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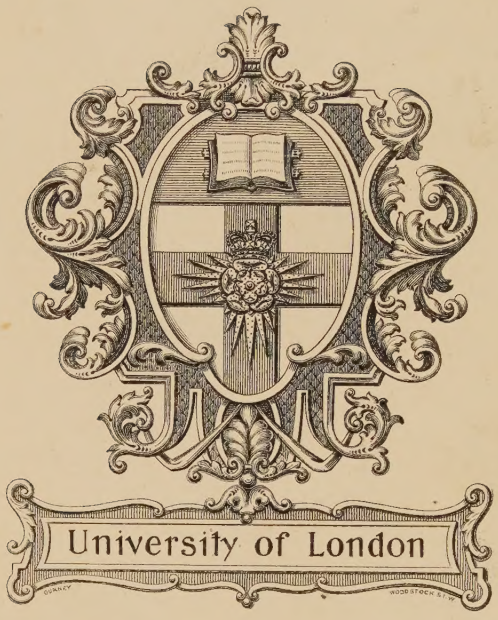

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HANSARD'S PARLIAMENTARY DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

8° VICTORIÆ, 1845.

VOL. LXXX.

COMPRISING THE PERIOD FROM

THE FIRST DAY OF MAY,

TO

THE THIRD DAY OF JUNE, 1845.

Fourth Volume of the Session.

LONDON:

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1845.

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE *FIFTH SESSION* OF THE *FOURTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*, APPOINTED TO MEET 11 NOVEMBER, 1841, AND FROM THENCE CONTINUED TILL 4 FEBRUARY, 1845, IN THE EIGHTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FOURTH VOLUME OF THE SESSION.

HOUSE OF COMMONS,

Thursday, May 1, 1845.

MINUTES.] NEW MEMBER SWORN.—For Leominster, Henry Barkly, Esq.

BILLS. *Public.*—1°. Salmon Fisheries; Railway Clauses Consolidation (Scotland), (No. 2); Merchant Seamen.

2°. Exchequer Bills (9,379,600*l.*).

Private.—1°. London and Brighton Railway (Horsham Branch); Liverpool and Manchester Railway; Guildford Junction Railway.

Reported.—Whittle Dean Waterworks; Blackburn, Darwen, and Bolton Railway; Blackburn, Burnley, Accrington, and Colne Extension Railway; Southwark and Vauxhall Waterworks (re-committed); Leeds and Bradford Railway Extension (Shipley to Colne).

3°. and passed:—Glasgow and Shotts Road.

PETITIONS PRESENTED. By Mr. E. Vivian, and Mr. Young, from Cornwall, against the Grant to Maynooth.—By Mr. Hawes, from several places, against the Importation of Hill Coolies into Colonies.—By Mr. Hawes, from Royal College of Physicians, London, for Alteration of Colleges of Physicians and Surgeons Bill.—By Mr. Hawes, from Pembroke, for Establishing County Courts.—By Mr. Aglionby, from Cumberland, for Diminishing the Number of Public Houses.

RAILWAY CLAUSES CONSOLIDATION (SCOTLAND) BILL.] The *Lord Advocate* moved, that the Amendments made by the Lords in the Railway Clauses Consolidation (Scotland) Bill should be agreed to.

Mr. *Labouchere* felt compelled, on the present occasion, to take a course which was very unusual in that House. It was necessary for him to call the attention of the House to a clause in this Bill which had been sent up to the House of Lords, and not altered or amended by them; and which, consequently, the House of Commons had now no power of remedying or altering. If the course which he was now taking was unusual, it was however justified by the unusual or rather the unprecedented manner in which this clause had passed the House of Commons. It was introduced in a manner which precluded the House from discussing it, or even knowing of its existence. It was not in the Bill as introduced by the Lord Advocate, but was allowed by him to be introduced by the hon. Member for Stirlingshire without any opposition, and without the Lord Advocate undertaking the responsibility of it. The learned Lord had on a former occasion stated, that all the

Scotch Members were agreed as to the propriety of the clause; but he believed, on the contrary, that there was great difference of opinion amongst them on the subject. The learned Lord had also said, that a precisely similar clause was inserted in every Scotch Railway Bill, but this statement he believed to be equally erroneous; and he could not help complaining of the covert, and he must say surreptitious, manner in which the clause had been introduced. In order to make the object of the clause intelligible, he must premise that the mode of laying out turnpike roads in Scotland was very different from what it was in this country. There, the bank lent money on the security of the tolls; but also the gentry near whose property the road ran gave their personal security for the tolls of the road, and by doing so they got the money at a lower rate of interest, and facilitated the construction of the road. They were thus interested parties; and the object of the clause to which he referred was, if the tolls should fall off, to hold them harmless as to their guarantee. He admitted that a similar clause was inserted in some of the Scotch Railway Bills, but not to the unqualified extent to which it proceeded in this Bill; for it was proposed by the clause in question, that if a railway company and the proprietors of land could not agree as to the amount of compensation, the absolute decision of that point was to be left to the sheriff of the county. No jury, no appeal; but sums of enormous magnitude were to be left to the adjudication of this single officer, without check and without appeal. Now, it happened not unfrequently that sheriffs of counties were themselves proprietors of land in the counties in which they were sheriffs. He believed that in the practice lately adopted, no gentleman was appointed sheriff for a county in which he possessed land; but that was not the former practice, and some gentlemen still remained who held land in the counties for which they were sheriffs. The indecent consequence of this clause in such cases would be, that the sheriff would be awarding compensation in cases in which he was himself directly interested. He did not think that the House would have sanctioned such a clause if there had been an opportunity of considering it. It was difficult to say what course ought now to be pursued; but he had felt it his duty to call the attention of the House to the circumstances; and he was anxious to hear from the Lord Advocate some more satisfactory explanation, both as to the clause itself and the manner in which it had been introduced, than it had been his good fortune to obtain on a former occasion.

The *Lord Advocate* said, that the clause in question was proposed in the Committee on the Bill; and he saw no objection to it, as well because no objection was then made to it, as because, as he observed at the time, and which the right hon. Gentleman now confirmed, similar clauses had been introduced into some Scotch Railway Bills. In this case no sum was specified for compensation, nor were the parties declared to have a claim to compensation. They were enabled to apply to the sheriff; and if he conceived that they had a good case, he was empowered to award compensation; if otherwise, to refuse it. As to sheriffs possessing land in counties for which they were sheriffs, he knew that was decidedly opposed to the principle generally laid down and acted upon. The principle was, that they should possess no local interest in the county for which they were sheriffs. That being the case, he considered the sheriff the best arbitrator that could be selected for such questions, he being a lawyer, an independent and impartial person, and having no interest for or against any projected railroad. Under these circumstances, he saw no objection to the clause.

Mr. *Forbes* said, that, previous to proposing the clause, he had consulted several of his friends from Scotland and also several parliamentary agents, and all agreed that some such clause was indispensable; but as none were prepared to make any definite proposition, he had taken upon himself that duty, and introduced the clause on a principle which, as he considered, had already been established. He put it to the House whether the right hon. Gentleman opposite had not used too strong language in speaking of the mode in which the clause had been introduced?

Mr. *Rutherfurd* said he agreed with his right hon. Friend, who had brought this clause under the notice of the House, that it was one involving most important principles. He acquitted his hon. and learned Friend the Lord Advocate of any intentional irregularity in its introduction,

but certainly it was most unfortunate that such a clause should have been introduced without notice, and without having been printed. He thought that the hon. Member who spoke last had only made the case ten times worse. He had looked into the clause. His hon. and learned Friend was right in saying that the principle had been recognised in some previous Bills, but certainly not in all. In many Bills there was no provision at all for compensation for turnpike roads, while in others the principle was recognised to a certain limited extent. But here was a clause making compensation compulsory in every case. There was no safeguard nor exceptions; in fact, there was food for litigation in every line of the clause. He objected also to the provision which made the sheriff arbiter in disputed cases. What! a single individual to decide most important points. Why not give him the assistance of a jury? He repeated, he did not impute to his learned Friend any wish to prevent the discussion on the clause, but he certainly thought that he had been guilty of great incaution in allowing the clause to be introduced, as it had been, without notice, and without having been previously printed.

Mr. *Cumming Bruce* begged leave to observe that the objection to the clause seemed to be taken mainly upon the ground that the sheriffs, who were appointed to decide in the matter, might be interested as landed proprietors in the county. There was he believed, but one county, that of Inverness, in which the sheriff was so interested; and in that county no person was responsible for the tolls of the roads. Since the passing of the clause in question, he had received letters from the county which he represented, from parties interested in the promotion of railway projects, and all expressing their satisfaction that such a clause had received the sanction of the House. He would give his cordial assent to the clause.

Mr. *Labouchere* wished to ask a question of the Lord Advocate, the reply to which might probably shorten the discussion. His question was, would the Lord Advocate engage, on the part of the Government, to introduce a short Bill in the course of the present Session, either to repeal or to amend the clause objected to? If no such engagement were made, he must move that the Bill be taken into further consideration that day six months.

Mr. *Hume* condemned the clause. He thought that what was considered good for Scotland, should be introduced into England. The clause might be made of very extensive application. Were there not canals, as well as turnpikes, to be affected by railroads? He thought that the principle adopted by Her Majesty's Government, in reference to this matter—if any were adopted at all—should be one of general application. The Lord Advocate could not have been aware of the importance of the clause, otherwise he would not have allowed it to pass as it had passed through the House. He would submit that the Government should withdraw the present Bill, and bring in another. With the intent that they should do so, he would move that the Lords' Amendments be taken into consideration that day six months.

Viscount *Ebrington* observed, that in matters of this kind Scotland seemed to be much better represented in the Government than was England. It appeared that Scottish trustees of turnpike roads received at the hands of the Lord Advocate a degree of consideration which was peremptorily refused by the Chancellor of the Exchequer to him (Lord Ebrington) when, some time since, he brought before the House the present plan of exempting mails from the payment of toll. He hoped the English Representatives would bear in mind the manner in which Scottish turnpikes were considered by Government.

Mr. *Christopher* thought that the object of railway legislation was, or should be, to establish a uniform system throughout the whole country. If they introduced a separate system with regard to Scotch railways, the greatest hardship would be inflicted upon all interested in turnpike roads in England. In the north of England the property of some of the trustees of such roads had been reduced by the introduction of railways by some 40 or 50 per cent. If this Bill were to pass, he hoped the Government would extend the same measure of justice to England. If they did not, he should feel called upon to support the Amendment of the hon. Member for Montrose. They could only secure a uniform system of railway legislation by having its provisions extended equally to all parts of the country, unless there were some very special reasons why one part of the kingdom should be placed in a better position than another.

Mr. *Home Drummond* observed, that the same state of things did not exist in England as existed in Scotland. The clause in question had reference to trustees personally bound.

Viscount *Howick* said, that the cases of England and Scotland, as he viewed them, were precisely similar. The case of Scotland was this: the country gentlemen of Scotland advanced either their money or gave their personal security for the purpose of effecting improvements upon the roads. In the county with which he was connected, the country gentlemen came forward also to effect such improvement. The western line of road, through Wooler, communicating by Northumberland with Scotland, was defective, and the gentlemen of the county were anxious to improve it. It was greatly improved, the county gentlemen coming forward and lending their own money on the security of the turnpike trusts or tolls to be levied on the improved road from Morpeth through Wooler into Scotland. That money remained unpaid. Two railway projects were now before the House, for the purpose of establishing a railway communication from Newcastle to Berwick, and one or other of these would probably pass. If either of them passed, he doubted very much if the tolls levied upon that line of road, which traversed a very thinly inhabited district, would pay the expense of collection. The parties who had thus lent their money would then entirely lose it; but thinking that the principle was so settled that no compensation in such case should be granted to them, they had not even applied to the House for it. When these same gentlemen travelled into Scotland by railway, having thus lost the money which they had advanced to improve the roads in their own country, they would find that they had to pay for compensation to Scottish landlords, who were precisely in the same situation as they were themselves. Was this a thing to be thought of? Were clauses inflicting such injustice upon parties to be smuggled into a Bill? Would such clauses be permitted to become law? He trusted that they would not, and he thought that the only means of preventing such a result would be, that the House should agree to the Amendment. The noble Lord (Lord Ebrington) had alluded to a subject to which he had some time since called the attention of the Government, and which had not received the attention which it merited—he meant the exemption of mail coaches from toll. He thought that this exemption should be got rid of, both in England and Scotland. At all events, the House had no right to give to Scottish landlords the additional benefits which they now claimed, without good grounds for them, nor was he aware that any such grounds existed.

Mr. *Edward Ellice*, jun., observed, that it was notorious that a sheriff of a county might be a landed proprietor in the county, and, having an interest in the question of compensation on a trust, might be called upon to judge in his own case. Not only might compensation be thus granted to road trustees, but a profit might be made out of the roads. This clause, he conceived, had been jobbed into the Bill, and it was a clause which should meet with the strenuous opposition of the House. It was one of the most material parts of the Bill. It was a Government Bill, and the Government should be responsible for so material a portion of it. He could not assent to another Bill being brought in as supplemental to this. He could not trust to such a Bill. He had no security how a supplemental Bill, repealing the clause in question, might be dealt with in another place. The only course left for them was to oppose the present Bill altogether, and trust to an entirely new one being brought in.

Mr. *Aglionby* regretted that no Member of the Government had risen to express the sentiments of the Government upon the clause disputed. If the clause were part of a Private Bill, he could well understand why the Government should take no interest in it. This was one of their own Bills; and when a direct appeal was made to them upon one of its most important clauses, he thought that some Member of the Cabinet would have risen and expressed some opinion concerning it. The plan proposed by some of those who objected to the clause was, that the Bill should be stopped in the ordinary way, and a new Bill introduced, without the obnoxious clause, and to this proposal he would assent. The present Bill recognised an important principle, and he did not see why, if it were adopted as regards Scotland, it should not be made applicable also to both England and Ireland.

Mr. *Pringle* thought that the whole of

this question had been much misapprehended by many hon. Gentlemen who addressed the House. The case of Scotland was different from the case either of England or Ireland. The roads in Scotland were constructed upon a principle altogether different from that on which the roads in the sister countries were formed.

The *Lord Advocate* observed, that the clause in question had been objected to on various grounds. It was objected to on principle, and he was asked to bring in a Bill to repeal or amend it. Another objection to it was grounded upon the manner in which it had been introduced. He had already explained how it had been introduced. The clause was not in the original Bill, and he had introduced it, considering that there was no objection to it on principle, and no objection had been taken to it when it was introduced in Committee. But as it was stated that the clause had been introduced into the Bill in a manner unsatisfactory to the House, and as he was not desirous to have it carried without proper discussion, he certainly did not wish to press it at that moment. He was disposed to take the course which was considered least inconvenient with regard to the progress of the Bill, and which would afford the best opportunity for a fair discussion of the principle involved in the clause, should it be brought before the House in a somewhat modified form. The best course, therefore, he thought, would be to reintroduce the Bill, with all the other Amendments, such as they now were, when the House would have an opportunity of dealing with this clause as, upon due consideration, might appear most desirable.

Leave given to bring in Bill (No. 2), for consolidating Railway Clauses (Scotland).

Bill subsequently brought in and read a first time.

Amendment agreed to; and consideration of the Lords' Amendments put off for six months.

RAILWAY COMMITTEES—STANDING ORDERS.] Sir *G. Clerk* wished to call the attention of the House to a Notice placed upon the Paper by his noble Friend the Member for Monmouth (Lord G. Somerset), regarding the Standing Orders he proposed with respect to those Bills which had been for some time under the consideration of the House. The object was to embody in one Act all those provisions which the House, after full consideration, was of opinion ought generally to be introduced into Bills connected with railways, or for giving compulsory power to companies to take lands, or for the regulation of public companies. The right hon. Gentleman moved—

"That every Committee on a Railway Bill shall, with the Report on the Bill, state whether the provisions of the Companies Clauses Consolidation Bill, the Railway Clauses Consolidation Bill, and the Lands Clauses Consolidation Bill, have been complied with; and if they shall not have been complied with, state in what respects they have not been complied with, and the reasons for such non-compliance.

"That the Committee on every Bill, other than a Railway Bill, to which the provisions of the Companies Clauses Consolidation Bill, or the Lands Clauses Consolidation Bill, are applicable, shall report to the House any noncompliance with such provisions, and shall state their reasons for permitting such noncompliance."

Sir *G. Grey* thought it very desirable that the House should have the means of knowing whether these Consolidation Clauses Bills were followed in the different Private Bills; but it would be absolutely impossible for Committees on the Bills, with their other engagements, satisfactorily to discharge this duty. It would be much better that the Gentleman who prepared the breviates of Bills should make a return to the House, on which they might rely, of the cases of noncompliance.

Mr. *Hawes* thought the Resolutions would involve a difficulty, and that the better mode was the plan suggested by his hon. Friend.

Mr. *Greene* observed, that the attention of the Committee would be directed by the gentleman who drew the breviates where deviations occurred. The Committees could then report to the House.

Mr. *J. Parker* objected to additional labour being imposed on Committees.

Sir *G. Clerk* replied that, without making an Order of the House, Mr. Booth, the gentleman who prepared the breviates, might point out the deviations in the Bills as they came before Committees. He would not press the Resolutions.

Motion withdrawn.

UNIVERSITIES (SCOTLAND).] Mr. *Rutherfurd* rose to move for leave to introduce a Bill to regulate admission to the lay or secular chairs of the Universities of Scotland. The hon. Member said, that although his Motion was very similar to one which had been rejected last year, he hoped that Her Majesty's Ministers would, on account of circumstances which did not then exist, but which had since occurred, allow him to introduce the Bill. The two Acts of the Scottish Parliament regulating the admission to the chairs of the Universities were passed in 1609 and 1707 respectively. The one enacted that all the office-bearers of the Scotch Universities should sign the Confession of Faith; the other required subscription to the Oath of Allegiance as well as the Confession of Faith of 1609. Now, in no one of the Scotch Universities had these Acts been enforced in terms as to all the office-bearers. In the University of Edinburgh they had been entirely in abeyance and disuse. He proposed in the Bill he had framed to provide, that hereafter it should not be necessary for any teacher or professor in any lay or secular chair in any Scotch University to make the declarations required by those Acts of Parliament. He proposed to leave untouched all chairs which were connected with the teaching of the candidates for orders, or with the theological faculty. The chairs from the admission to which he desired to remove the existing restrictions, were those connected with literature and science. The theological chairs he did not seek to interfere with at all. To a large portion of his countrymen, particularly those who, in consequence of the late differences in the Church of Scotland, were now placed in the position of dissenters from that Church, those restrictions would be felt as a great grievance and an insult. The opinions of the professors of the Universities themselves, too, were generally opposed to the continuance of the restrictions. The *Senatus Academicus* of Edinburgh had met, and all professors and teachers of the University, of the metropolis of Scotland, were, with one exception only, favourable to the removal of those restrictions; and in Aberdeen, King's College, which was the most exclusive of all the Scotch Universities, and the most reluctant to admit any reform in the collegiate institutions of Scotland—the question having come under discussion, and the numbers being equal on both sides, a casting vote against their continuance had been given. In Marischal College, Aberdeen, there was a decided majority against them; and in St. Andrew's, two-thirds of the whole body were opposed to them. In Glasgow, opinion was divided in about the same proportion; while in Edinburgh, as he had said, the opinion was all but unanimous. Therefore he had the authority of all the colleges in favour of the proposition he was about to submit. There was another point to which he would especially direct the attention of the right hon. Baronet at the head of the Government, as forming an additional ground for the change he proposed to effect. Last year the right hon. Baronet, in the course of a conversation that occurred in reference to the late discussion in the Church, referred to some transactions that had taken place at Dundee, as evincing symptoms of a reaction in a prospect of a speedy return of the Free-Church party to the Church from which they had seceded. He had stated at the time that he thought the right hon. Baronet had formed the opinion on fallacious grounds; and he was now prepared to say that the Free-Church party, instead of showing any symptoms of reaction, or evincing any desire or disposition to return, had become firmer than ever in their secession, and had constituted themselves into a body in dissent from the Church. And on a recent occasion, the importance of having a college in connexion with the Free Church having been discussed and admitted, the question arose whether it might not be possible, without calling upon the poorer members to subscribe, or entrenching upon their already limited means for such an object, to carry it out by the subscriptions of the more wealthy of that body; which question was decided in the course of three weeks by twenty of the leading members of the Free Church coming forward with subscriptions to the amount of 20,000*l.*, or 1,000*l.* each. If, therefore, the existing restrictions were continued, there could be no doubt that the consequence would be the establishment of a rival college, and instead of a common education, with all its beneficial influence on society, they would have a sectarian education, with all its evils spreading from one end of Scotland to the other. If they refused the measure he proposed, they would have a sectarian college established, and the dissenting youth would be taught

apart from the rest of the youth of Scotland, and they would destroy that charitable and humanizing feeling which resulted from a common education. And what was it that he was asking the House to do? He was asking them to remit restrictions that, as the law now stood, might be enforced for political, mischievous, and improper purposes. In point of fact, he was asking them to do nothing that had not been done by the Scotch Universities for many years past, and for the last sixty years by the University of Edinburgh. In the University of Edinburgh at this time, the nonconforming members included the Lord Rector, and eleven professors. In the University of Glasgow, there were the chancellors and five professors; in St. Andrew's there was the Principal; in King's College, Aberdeen, there were three professors, one lecturer, the Lord Rector, and four assessors; in Marischal College, there were the Lord Rector and two of his assessors, two professors, and two lecturers, who did not conform to the Established Church. There were thirteen Presbyterian Dissenters who, notwithstanding those statutory restrictions, held office in the Universities; they were not originally admitted as Presbyterian Dissenters, he owned, but had become so in consequence of their having joined the Free Church; but, excepting this thirteen, there were also twenty-seven (that, he believed, was the number) persons who belonged to the Episcopal Church, and had been admitted to hold positions in the Colleges of the several Universities of Scotland, notwithstanding the provision of the Statutes to which he had alluded. The only parties against whom the law was intended to apply were Episcopalians; and yet they found that from the time almost immediately subsequent to the Union, Episcopalians had held offices in the Scotch Universities, from which the rigid enforcement of the Statutes must have excluded them. If those Statutes had been strictly enforced, the two right hon. Baronets opposite (Sir R. Peel and Sir J. Graham), who had preceded him (Mr. Rutherfurd) in the office he had now the honour to hold (Lord Rector of Glasgow University) never could have filled that appointment; and yet when his right hon. Friend near him (Mr. Fox Maule) was about to be inducted into the same situation, he had to enter the office under a protest unless he produced those certificates which had not been demanded on similar occasions for sixty years before. This proved that the institution might be revived for political or interested purposes. The case of Dr. Brewster afforded a more recent and a still stronger instance of the injustice of leaving the law in its present state. Dr. Brewster, as was well known, had long filled the Principal's chair at St. Andrew's, and having joined the seceding party, the University proposed to enforce the law against him, and to eject him from his office. He mentioned this to show that if the law remained as it was, no man who was presented to the chair of mathematics or philosophy in any Scotch University had any security that some person might not afterwards come forward and call upon him to conform to the Statutes, for the purpose of excluding him. And who were the persons they would thus exclude? Within the last fortnight a gentleman had been carried to his grave who had commanded more private affection and more public regard than, perhaps, any other man who had recently expired—a gentleman who had taken a high and prominent position in the great movement that had separated the Church of Scotland—a gentleman firm and determined in his line of action, but at the same time, of all the men concerned in the great movement, the most moderate in counsel and the most temperate in language—a man who had never uttered a word or did a deed intended to give offence. That man (Dr. Walsh) filled a professor's chair in the University of Edinburgh, and he also held the appointment of Secretary to the Bible Board. Acting upon his own conviction of what was right, having separated from the Church, he at once resigned the theological chair at the University; but at the suggestion of his friends, with whom he agreed in the opinion that there was nothing in the constitution of the Bible Board that required his removal from it, he did not think it necessary at the same time to resign his office as its secretary. That appointment was taken from him—he would not say from vindictive motives; but he must say that the act that deprived that gentleman of the appointment was a harsh use of authority, and it was an act which had given to the Free-Church party in Scotland a more just ground of offence, had tended more to widen the breach between the two parties, and to render reconciliation impossible, than anything else that had occurred. With such facts as those before them, they could not think that the Free Dissenters would trust that these laws might not hereafter be enforced

against them, although in the past circumstances of the country it had not been done; and his object, therefore, was to take away the paltry and vindictive power of doing that mischief in future. He contended, and he believed, no bearded man would at this period contend that it was necessary to have certain religious tests applied to professors other than those of theology. The professorial chairs had been filled by men of various creeds, and no one had ever surmised danger either to the Universities or the Church from the selections that had been made. Professors belonging to the Dissenting body, and to the Free Church, had been elected to the different chairs, and they had discharged their various duties so as to impair neither the honour nor the efficiency of the Establishment. So far as he could judge, the present question was entirely Scottish in its character, and had nothing whatever to do with the English Universities. The English Universities stood on their own endowments—they were maintained on a system utterly unknown in Scotland. The youth in the English Universities formed part of a large family in which religious teaching and secular instruction went hand in hand. But it was different in the Scottish Colleges; the students there experienced none of that college life which was part of the university system in England. He would say it, for it was to the honour of his country, that not only education was open to all creeds in one University, but all the honours which the University had to bestow were given without reference to religious belief. And why should not professors, teaching only literature or science, be selected from men of talent of all creeds? They had been told before, and they might be told again, that the Act of Union interposed difficulties—and persons might go back to that when their object was to defeat a change; but, according to his reading of the true history of his country, it was a deviation from the Act of Union, it was a Statute inconsistent with it, that first brought out the principle of dissent. It was the Statute of 1711, recalling the Statute of 1690, that had produced a change in the patronage, and had first led to dissent; but no allusion was made to the Act of Union when they passed Lord Aberdeen's Act last year. But was it not a grief when a large party—the majority of his countrymen—were precluded by law from obtaining the academical honour of becoming teachers and professors? Was it no indignity to literature and science—to those who had devoted their lives to it, to find such a state of things? Now was a fair opportunity to interpose. Never was the grievance so strong as it was now, in consequence of the existing dissent, which involved the exclusion of more than one-half of those who were formerly within the pale of the Church. He asked for leave, then, to bring in this Bill in the name of that majority, armed too with the approbation and sanction of all the Universities in Scotland, and supported by the long-continued usage of the country; and he trusted they would see that the exceptions to that usage had been bigoted and illiberal exceptions, which, if continued, would be at the expense of destroying the advantages of common and general education in Scotland, and of inflicting a deep and serious wound on all the Universities in that country by the establishment of a Dissenting College, which he should not like to see established if these disabilities could be removed, but which he should not be sorry to see established if they were continued against the feeling of the country, which had been so strongly manifested. The right hon. Gentleman concluded by moving for leave to bring in his Bill.

Mr. *Home Drummond* wished to explain that the Report of the University Commissioners which he had signed, and which had been referred to as an authority against the proposal of his hon. and learned Friend opposite, had been drawn up nearly twenty years ago. Many changes in laws and politics had since taken place, and circumstances were now materially different. There was then no complaint against the Statute, and no grievance before the Commissioners. No one proposed to repeal it, and that question was not discussed. It was a natural thing to say, "Here is a regulation enforced in some places, and not in others; why should not the practice be uniform." Circumstances were now entirely changed. There was an important new feature in the case. The Universities themselves now asked for an alteration of the law as a measure for their own protection. There was now a grievance to redress, and he hoped his right hon. Friends would not find it so difficult to deal with the question as formerly. The late secession from the Church had occasioned the complaints; but his hon and learned Friend was too able an advocate to rest his case on such narrow grounds. He had argued for the change

as a measure of liberal policy, and enlightened administration; and it was on this ground he (Mr. Drummond) wished to support it. He had voted repeatedly against Motions for interfering with the English Universities, and he had seen no cause to change his opinion. "The case of the Scotch colleges is quite different, as my hon. and learned Friend has explained. There is no analogy between them. Every Scotchman knows that the Scotch colleges are not intended for the education of persons of any particular religious denomination, but are open to all; and that religious opinions are never interfered with by any professor out of the theological department. No doubt this state of things, together with the fact that the Statute has been in a great measure in non-observance with regard to the professors, is an argument against the extent of the grievance; but no one can say that, practically, the regulation has, for a long time, served any useful purpose; and, if it be felt as a grievance, why should it be retained? If the patronage of the professorships be considered, there would be little ground for alarm. In all the colleges but Edinburgh, it is vested almost entirely either in the professors themselves, or in the Crown. And, at Edinburgh, however doubtful in theory the election of professors by the town council may appear, there is no doubt that the patronage has always been excellently administered by persons of the most opposite political opinions, who have at different times composed the council; and we have no reason to fear that they will not continue, in future as in time past, to select the best professors they can find, without regard to the religious denomination to which they may belong. There may be other considerations to which the Government are bound to attend, but I hope there are none that would ultimately stand in the way of the desired improvement."

Mr. *Acland* would be glad if Government would consent to the first reading of the Bill, and thus give time to hon. Members to consider the whole scope and tendency of the Act. He would not reply to the right hon. and learned Gentleman (Mr. Rutherfurd) further than to say that he could not find words strong enough to express the intensity of his difference from the hon and learned Gentleman, with respect to his declaration, that in 1845 no bearded man could maintain the opinion that religious creeds ought to have anything to do with professorial chairs for literature and science. He would not discuss the point; but he begged to say he could not state his objections too strongly to such a doctrine. If it were so that in Scotland all revealed religion was distinctly repudiated, and science and literature were to rest on their own bases as human attainments, and if it were to be understood that the chairs of science and literature would be best furnished without such tests—if it were also established that for a long time this had been the recognised practice, and that it carried with it the general mind, he still thought they ought to pause before they applied principles they held dear in the case of their own country to Scotland. He thought no one could have observed what had taken place during the last ten years in Scotland without seeing that much of the life blood in the Church in Scotland had gone forth from it. This had much weight with him in deciding this question, and he, therefore, hoped the Bill would not be rejected on the first reading.

Sir *J. Graham* said: I cannot commence the observations I am about to address to the House, without complimenting the hon. Gentleman on the tone of his speech, and the great ability and fairness with which he stated the question. But there are several omissions which he made, which I think it right to call to the recollection of the House. First of all, I think it is our imperative duty to regard this question distinctly as a Scottish question. There are great distinctions to be made in so considering it. There are the peculiarities of the Scottish law—the peculiarity of the relation of the Scotch Universities and the Church of Scotland, and the discipline of those Universities; and I think the hon. Gentleman most fairly put it to the House, that, bearing in mind those distinctions, we must not confound the question of the Scotch Universities with that of the English Universities. At the same time, I am bound to say that this question cannot be regarded with reference only to the Scotch Universities. There is another party—an important party—a party which, for a long time, was undivided and dominant in Scotland, and which, although recently divided, is still a powerful body, to be regarded with great consideration by the Ministers of the Crown—I mean, the Church of Scotland. Let me call to the attention of the House the peculiarity of the obligation on

the part of the Legislature to the Church of Scotland, and also to the intimate connexion which has always existed since that relation was established between the Scotch Universities and the Established Church. Before the Union in 1690, within two years of the great revolution in this country, William III. wisely, but reluctantly, consented to the establishment of the Presbyterian religion in Scotland. Almost simultaneously with the Act which established the Presbyterian religion as the religion of Scotland—it was within six weeks—an Act was passed by the Scotch Parliament connecting the Universities with that Church, and, for the first time, that Act introduced the test which has subsisted since that time to this day. It is said that it was levelled against the Episcopalian body—it was introduced avowedly for the purpose of strengthening the Establishment, and guarding it against its enemies, who, by obtaining an ascendancy in the Universities, might materially injure that Church. That was the Act of the Scottish Parliament, and it remained in force from 1690 until the period of the Union with England. Now, be it observed that, simultaneously with the Act of Union—upon the very day that Act received the Royal Assent—the Act of Security was passed, receiving the Royal Assent at the same time with the former, which involved all the provisions of the Act of 1690, with reference to the test imposed upon professors and office-bearers in the Scotch Universities. It was made one of the fundamental conditions of the Union with England, and there is a very remarkable expression embodied in the Act of Union itself. It is this—that although the British Parliament should be at perfect liberty to take within the bounds of England what security it might think fit for the maintenance of the Established Church of England, yet it debarred the British Parliament from taking any step with reference to the Established Church of Scotland which should have the effect of derogating from this security. Amongst other securities is the one which we are now discussing, and it is prominently and signally specified. It must be remembered, however, that although a great majority of the advisers of the Crown are Episcopalians, and though in this House the Presbyterian Members are a small minority, we are dealing with a fundamental Article of the Union, to which the people of Scotland, from the earliest times, have attached the greatest importance; and at the time of the Union, when the terms of the fundamental settlement were adjusted, they did not press for hard conditions, but were satisfied by carrying two great objects — their national judicature and their national Church; and having carried these two, they have raised a lasting monument of national independence and great public virtue. At the same time I must say that, if any alteration is to be made in this matter, I agree with the hon. Gentleman that this is the moment for making it; for I feel that the hon. Gentleman has in the most fair manner—not urging it as a threat, but stating it as well worthy of the consideration of a deliberative assembly—he has brought under our notice the fact, that there is about to be established in Scotland a University of a decidedly Dissenting character—the funds are provided, and the college is about to be established. If the instruction is confined to theological teaching, there is no danger; but if, from any refusal on the part of the Legislature to reconsider this question of a religious test, as applied to instruction in literature and science, the statement of the hon. Gentleman be correct, that the dissatisfaction on the part of those who are not members of the Church at such a refusal will be so strong, that the great body of the youth of Dissenters in Scotland will be drawn from the national establishments of education, and will flock to the new College—then, indeed, the danger is not imaginary, but the practical evil will be seriously great. I endeavour to look at this matter candidly, in the advice I shall tender to the Crown; and I am bound to ask myself, if that event should take place, will it be conducive or otherwise to the maintenance of the Church as now established? Amongst the many singular advantages enjoyed by the people of Scotland, which have advanced the prosperity of that country in the last century to a degree of pre-eminence of which Scotchmen may well be proud, I know none that has been practically so conducive to their greatness and prosperity as the absence of sectarian education in that country. Their differences have been not about doctrine, but about discipline. There has been, therefore, in that country one undivided system of national education, extending from the Universities to the parish schools, and harmony and concord on that subject have subsisted for more than a century. I again, therefore, ask the question whether, if it be proved that there is danger with reference

to the establishment of a Dissenting College and school of education, will it be conducive to the concord of that country that such a system of education should for the first time be established? I cannot say it would be at all safe on the part of the Government to commit itself to the abrogation of a test which has existed for more than a century and a half, and which has, practically, been enforced since the Union; but the question now is, shall a test framed a hundred years ago, against a danger that has practically vanished, but which, if enforced, would embitter religious controversies, and probably have the effect of dividing the system of education in Scotland, be, in present circumstances, abrogated or continued? That is a matter so materially affecting the Church of Scotland, and the feelings and interests of the people of that country, that I think the British Legislature are bound deeply to weigh and consider it; and it would be imprudent on the part of the Government to give any distinct pledge as to the course they may feel it their duty ultimately to follow. But there is one circumstance that has occurred since this matter was discussed last Session, to which I will refer. My right hon. Friend has this morning received a deputation from the Universities of Scotland; and certainly the fact appears to be, that, amidst the numerous professors of Edinburgh, I believe with one solitary exception, there is a concurrent desire that this test should be abolished. In the University more especially connected with the Church of Scotland—I mean St. Andrew's—if I mistake not, two-thirds of the professors are in favour of the abrogation; and at Glasgow also the professors in favour of it are in the same proportion. I stated on a former occasion, what I sincerely think, that there may be difficulty in drawing distinctly a line of demarcation between theological teachers and general teachers in science; and I cannot but think that there is a certain risk, in lectures not connected with religion, of some opinions adverse to the Church being introduced; but my opinion inclines to the belief that the danger is less from the intermixture of dissenting opinions with literature and science, than from the certain and inevitable evil of a distinct Dissenting College. This fear weighs with me so much, that I do not think that at this moment, which I admit to be critical, it would be wise to refuse the hon. Gentleman leave to bring in his Bill; but I hope he will not press on the second reading until the people of Scotland have had ample time to express their opinion. That opinion ought to have the greatest weight with the British Parliament—the feelings and wishes of the people of Scotland ought to be dominant on this question. At the same time, the opinion I so strongly expressed last year, I to a certain extent still entertain. I am bound to state that this test, which it is now proposed to remove, and which was framed against other dangers, was nevertheless framed for all time as a safeguard against the admission to power of teachers in the Scotch Universities who might seek, either directly or indirectly, to injure or subvert the Church of Scotland. There has been a lamented schism in that Church; and I must say, that many of the most eminent divines who have seceded, when members of it, would have been found very reluctant to part with the security we are now discussing. I believe that that most distinguished individual, Dr. Chalmers, had he remained a member of the Established Church, would have been found amongst the most strenuous opponents to the abrogation of the test. That is a very important consideration. I feel all the delicacy of the question; but my earnest and sincere wish is, seeing all the difficulties and dangers, to give such advice as shall be most conducive, under the circumstances of the recent schism, to the happiness and concord of the people of Scotland, and to the maintenance of the Church as by law established.

Mr. *F. Maule* felt satisfied that the conduct which Her Majesty's Government were pursuing upon this occasion would have the effect of healing many of the differences which unhappily prevailed in Scotland on the subject of the proposed Bill, and to allay much of the strong feeling which had been excited with reference to it. He regarded the conduct of the Government as the forerunner of great good to his native country. He confessed he should contemplate with great alarm the establishment in Scotland of a college of such a nature as that, coupled with the circumstances of the times, which might cause the education of youth to assume a sectarian character. He wished further to say, that the conduct of the Government was not only satisfactory in the view of its having a tendency to heal the wounded feelings which existed, but he also considered their conduct judicious as regarded

the question itself. He repeated that he fully approved of the policy of the Government, for he considered that the right hon. Gentleman was not to blame for the caution that he thought it necessary to exercise. No one could doubt this, that the more the question was looked into the more evident it would appear that there were serious difficulties to be overcome; at the same time, it must be admitted that some of the difficulties were represented rather more strongly than they really existed; and it was not to be forgotten that the strong grounds for those tests had long since vanished; and he felt bound to state, with every possible respect for the Established Church of Scotland, that he thought measures might be devised on the subject of tests, which were likely to prove satisfactory to all classes of the community in that part of the United Kingdom, and which he trusted would have the effect of saving Scotland from the commencement of a sectarian controversy; and which would also secure to the youth of that country all the benefits of an education derived from those old, venerable, and useful institutions which had long been so advantageous to the country.

Leave given to bring in the Bill.

ENCLOSURES OF COMMONS AND WASTE LANDS.] The Earl of *Lincoln* said: I rise for the purpose of moving for leave to bring in a Bill to facilitate the Enclosure of Commons and Waste Lands in England and Wales. The House will observe, that in consequence of a general expectation that the debate which has just concluded would occupy the whole evening, several Members who take an interest in the question of enclosures are absent; and I shall therefore not feel it necessary to trouble the House at as great length as the importance of the subject might under other circumstances require. For the same reason I am by no means so well prepared, as I otherwise might have been, to bring this subject under the notice and consideration of the House; as I have not with me those papers which would enable me to develop the details of the subject as fully as I could have wished. It therefore becomes necessary that I should limit myself to the briefest possible statement which will enable hon. Members to understand the nature of the measure which I am asking permission to introduce. It will not be forgotten that a Bill on this subject was brought in last Session by the noble Member for Lincolnshire; but, after some ineffectual attempts to pass it through its stages in this House, in consequence of the difficulties which attend any legislation upon subjects of this nature by a private individual, it was referred to a Committee upstairs. In order to render the few remarks which I have to make as short as possible, I will take for granted that every Gentleman who hears me is already aware of the provisions of that Bill, and of the recommendations of the Committee, which, after having called a great number of witnesses from all parts of the country, reported strongly in favour of a general measure for facilitating enclosures, and the appointment of a Commission for that purpose. I will also take for granted that every one admits the extreme difficulty which attends private legislation, and the frequent injustice which it occasions. Part of those objects which the intended measure may be expected to effect will be to neutralize, if not altogether to prevent, the recurrence of those evils. I may now state, before I proceed further, that one of the means which I propose to adopt for facilitating the Enclosure of Commons and Waste Lands, will be the appointment of a Public Commission, instead of continuing the practice of private legislation to the extent that it has hitherto been carried. This principle, it will be recollected, was fully recognised in the Bill of last year; and in the year preceding a proposition of a similar kind had been favourably received by the House. Now, if the principle is recognised, it is important to landowners that some such Bill as that which I now propose to introduce should pass during the present Session; for, in consequence of a strong expectation that some General Enclosure Bill would be brought forward, all private legislation, which is attended with a heavy expense, has been almost entirely suspended during the two last years. As the subject of General Enclosure Bills has been very frequently discussed, it is the less necessary that I should now occupy the time of the House by going into it at any length. I shall merely, therefore, confine myself to saying that the general experience of private legislation has proved that some such measure as that which I am now about to propose has become, if not absolutely indispensable, at least highly desirable. I will not go into any minute details, be-

cause upon the second reading of the Bill its provisions can be examined as carefully as the circumstances of the case may at all seem to require. Assuming, then, that the provisions of last year's Bill are familiar to the House, I shall proceed to state the alterations which I propose to introduce, and the points in which my Bill will differ from the measure of my noble Friend; and I venture to think that the changes which I intend to propose will obviate a great many objections, not merely existing in the House, but which I have reason to believe prevail out of the House. It has been contended by several persons who have given much attention to this subject, that the effect of a General Enclosure Bill would be to withdraw the control of such measures from the hands of Parliament, and that it will also have the effect of producing a very dangerous infraction of the rights of the poor. I believe that this objection is founded in error, even as regards the Bill introduced last year by my noble Friend. In the present Bill, however, I propose to introduce an additional security to that taken by my noble Friend. It appears to me that the Commission which I intend should form a feature of this measure, will be better calculated to protect the rights of the poor, than any practice of private legislation, and examination before Committees of this House. It is often impossible for the poor man to defend his own rights as effectively as I think the Commissioners would. This, I know, that in nineteen cases out of twenty, Committees of this House, sitting on Private Bills, neglected the rights of the poor. I do not say that they wilfully neglected those rights: far from it; but this I affirm, that they were neglected in consequence of the Committees being permitted to remain in ignorance of the claims of the poor man, because by reason of his very poverty he is unable to come up to London to fee counsel, to produce witnesses, and to urge his claims before a Committee of this House. A Commission, I think, may, therefore, be so constituted as to afford to the poor man, by examination on the spot and at his own door, more certain security than any system of private legislation; and, certainly, better calculated to afford that security than I think the provisions were of the Bill which my noble Friend introduced. The first point in which I propose to depart from the measure of my noble Friend consists in the constitution of the Commission, and in the power proposed to be given to the Commissioners. I do not propose, as my noble Friend did, to invest the Commission with the power to enclose commons without the sanction of Parliament. But I think the Commission which I propose to constitute will be decidedly preferable to the Tithe Commission as an instrument for carrying out this improvement. It appeared to the Government last year, and it was so stated to my noble Friend, that there are insuperable objections to the employment of the Tithe Commission. Powers were given to them for a specific and temporary purpose. They will probably not continue to exercise those powers for more than two or three years to come; but the Commission which I contemplate would, of course, continue its operation so long as a necessity for it continued to exist; though in the first instance I propose to limit its duration to five years. To devolve, therefore, upon the Tithe Commissioners duties which would be very onerous for two or three years, the very period during which their own proper functions continue in force, but which would afterwards gradually diminish, would be highly objectionable. The Government has also thought it desirable that the responsibility to Parliament should be more effectually secured by the constitution of the Commission, than it could be if the execution of the Act were to devolve upon the Tithe Commissioners. I propose that the Secretary of State should appoint three Commissioners, two of them being unpaid, and one a paid Commissioner. I then propose to divide the lands with which they shall have to deal into three classes. The first of these will relate to open lands held in severalty, where no rights of common, or rights of an undefined nature, exist; giving them authority to enclose these without the intervention of Parliament. These lands already come under the operation of the 7th of William IV., but there is great difficulty as to titles where those titles depend upon private agreements. I propose that the Commissioners should have authority to deal with these without the intervention of Parliament, if parties prefer coming to the Commissioners, instead of availing themselves of the Act of 7 Will. IV. The second class will include all commons and wastes of manors and lands where the soil belongs to one or more proprietors; but rights of pasture undefined by what are called stints, or by number, exist over the surface. I pro-

pose that the Commissioners should not in these cases have power to carry out the intentions of the Bill without the intervention of Parliament—that is, that they should not exercise this power till their recommendations have been sanctioned by the Legislature. In such a case I should propose that the Commissioners should institute an inquiry into the circumstances of the case; that the results of the inquiry should be embodied in a Report presented to the Secretary of State; that he should lay that Report before Parliament; and that in conformity with the decision of the Legislature upon that subject the Commissioners should act. Whatever recommendations the Commissioners might make in the course of any given year, I propose should be embodied in one annual public Bill, and then the several objections to that Bill could be taken by the Legislature *seriatim*. This would obviate, I think, all the objections to private legislation. If, for example, the Commissioners recommend any given Enclosure, the parties interested may procure a discussion of it by appealing to those Members who represent them in this House; and that, not as Private Bills are now discussed, with no general attention to their objects, but with all the consideration which attaches to public measures. The Report from the Secretary of State would then be before Parliament, and upon that a satisfactory and equitable decision would be made. The third class with which I have to deal, are those lands which lie within a certain radius from towns containing a certain amount of population. At first I thought it might be best to make an exception in favour of such lands altogether; but subsequent considerations induced me to come to a different conclusion. In legislating, however, on this point, I certainly do intend to impose such additional restrictions as may be necessary for thoroughly protecting the rights of the poor, and for securing to the working classes in great towns open spaces for recreation and amusement. Of course, hon. Members will see the necesisty for keeping the radius within a due proportion to the population. Thus, the smaller the population, the less the radius should be; and in all such cases as those to which I am now adverting, the Commissioners will be expected to make a special Report. If this Bill should pass, I propose that a Standing Order should be made, requiring that enclosures relating to this class of lands should be embodied in a separate Bill from those relating to the other classes which I have mentioned. I feel that I ought to apologize to the House for my imperfect explanation of the details of this measure; for I bring this matter under the notice of the House under circumstances which place it at great disadvantage, for I have not a note, paper, or memorandum upon the subject, if I except a few short particulars which I set down on this paper in the lobby when I found that I was so near being called on to bring forward my Motion. Another subject to which it becomes necessary that I should call attention is, that of village greens. I propose to exclude village greens altogether from the operation of this Bill; but the Commissioners, I think, should be enabled to take measures for the preservation of those village greens by fencing and other means. These village greens are objects of interest and importance, and ought to be taken care of. I regret to say, that in several places they are little better than so many swamps; and they are permitted to remain so in consequence of want of power on the part of those concerned to make them available for the purposes to which they were originally devoted. I propose that the Commissioners should have power to do all that is necessary for making these places of healthful and harmless recreation available to the uses of the poor. I propose also, that, in all enclosures, the Commissioners shall have power to set out allotments for the purpose of recreation and exercise in proportion to the amount of the population in the neighbourhood. I propose, next, with reference to allotments, to adopt to a certain extent some of the provisions of the Bill of the hon. Member for Hertford, with the view of granting field gardens within a limited amount of space. Hon. Gentlemen now present must be perfectly aware of the great merit of the field-garden system; but this will be readily admitted, that whatever merits the system has, must depend very materially upon the propinquity of the gardens to the residences of the poor. If these gardens be at a distance of three or four miles from the residences of the poor, such a possession withdraws them from their homes, and has a demoralizing effect, rather than any other, upon the character of those to whom they are granted. With this view, I propose to give the Commissioners power to exchange lands to be enclosed for portions of land in the neighbourhood of the residences

of the poor. Of course, I need scarcely assure the House that I have no intention of making any provision which would grant these field gardens otherwise than on the payment of a sufficient rent; and care must necessarily be taken that this rent be neither too high nor too low. I propose that the rent should be regulated pretty nearly upon the same principle as in the case of the Tithe Act; and this rent may be allotted to any person entitled to allotment out of the lands to be enclosed. I have now stated, as shortly as I could, the provisions of the measure which I intend to introduce; and I hope the House will consider that the alterations I propose to make from the Bill of last year are in themselves improvements. I am sure I may say, that if the Bill should pass in the spirit in which it is drawn, it will be found of great advantage to the landowners, and of still greater advantage to the poor in their neighbourhoods; and not only of immediate, but of permanent advantage. It will be of great advantage to the poor by making specific provisions for them, which under other circumstances they could not attain; but it will be of still greater advantage by increasing the powers of production of the soil, and greatly extending the means of profitable employment. It will probably be recollected that the Bill of last year gave powers for completing former inclosures which had been commenced and had not been fully carried into effect before the powers of the Private Act ceased. These I propose to retain. I give powers to the Commissioners to correct faulty awards under old enclosures. I also give them power to exchange lands under certain restrictions. I do not propose that they should possess any power to interfere with old entailed estates, but I propose to limit their operations to those exchanges which will be calculated to promote the profitable cultivation of the soil. I shall not now enter into any details as to the clauses respecting the definition of ownership, and the protection of mineral properties; but, with regard to the carrying out the instructions of the provisional order of the Commissioners, I propose that the valuer shall perform this duty instead of the Assistant Commissioners, as in the measure of the noble Lord to which I have before referred. I see an hon. Gentleman opposite expresses his dissent from this provision, which I shall not further enlarge upon now, as it will form a very fit subject of discussion at a future stage of the Bill, when I think I shall be able to persuade the House that both economy and efficiency are promoted by the alteration. I shall not now trespass further on the time of the House. I have endeavoured, as far as I could, to provide an adequate protection for the rights of all parties, more particularly for the rights of the poor; and my principal object, after the accomplishment of those views which I have stated to have determined me to introduce this measure, has been to secure to the poorer classes throughout this country a more extensive and effectual protection in their rights to common lands than they have heretofore enjoyed. The noble Lord concluded by submitting his Motion to the House.

Mr. *W. Williams* begged to ask the noble Lord whether his Bill contemplated any interference with the lands held by corporate bodies, or those lands termed Lammas and Michaelmas lands.

The Earl of *Lincoln* said, that there was no exception contemplated to be made in respect of common lands, of whatever description they might be throughout the country. At the same time he would observe, that great facilities would be afforded in dealing with lands of the description referred to by the hon. Member, as they would all be placed in the third class of lands embraced within the provisions of the Bill, and any measure affecting them could not consequently pass the Legislature without receiving far more ample consideration than it would have obtained had the lands in question been touched by any private legislation.

Mr. *Aglionby* had always taken a lively interest in the subject of the noble Earl's Bill, and had long entertained a wish that some effectual measure should be introduced for the purpose of bringing waste lands into cultivation. He was very desirous of asking a question which the right hon. Gentleman opposite would probably take some future opportunity of answering—namely, whether it was the intention of Government to introduce any measure for the purpose of assimilating the tenures of lands throughout the country, and of rendering it compulsory on lords of the manor to enfranchise copyholds. The present law only went to the extent of rendering the enfranchisement voluntary; but it was highly desirable that some law should pass, by which copyholds might be compulsorily redeemed upon payment of an equivalent.

Leave given to bring in the Bill.

DRAINAGE OF LANDS — ENGLAND AND WALES.] The Earl of *Lincoln*, in moving for leave to bring in a Bill to facilitate the drainage of lands in England and Wales, said that he was reminded by the observations of the hon. and learned Member for Cockermouth of an omission of which he had been involuntarily guilty, which was the neglect of paying that high compliment which was so fairly due to the noble Lord who had brought the measure respecting enclosures before the House during the last Session. That noble Lord's only anxiety was to have a good and serviceable measure carried into effect. He had in the most generous manner avowed such to be his sole desire, and he had disclaimed all party or political views in dealing with the subject. The noble Lord (Lord Worsley) had accordingly handed his measure over to the care of the Government, without the slightest expression of jealousy; and he (the Earl of Lincoln) must candidly acknowledge that he felt the principal credit which might be awarded to the measure under consideration was fairly due to the noble Lord. With respect to the particular Bill which he had now to request permission to introduce, he should merely feel it necessary to observe that it was a consequent measure upon the Enclosure Act, and that the Government having determined upon introducing the first, was no less bound to follow it up by proposing a measure for the purpose of more effectually draining waste and unenclosed lands. The Bill was confined to the object of enabling parties desirous of draining their own lands to carry their drains through other lands adjacent to their own, upon compensating the proprietors for the damage thereby done. The Bill also would give facilities for the acquisition of plots of land necessary for the erection of steam-engines for the purposes of draining. The present Bill, he was ready to admit, was limited in these objects. In the course of a Session or two he hoped to be able to introduce a more extensive scheme of legislation in this respect, and in the meantime he trusted some good would be effected by the Bill which he then begged permission to introduce.

Leave given.

House adjourned at nine o'clock.

HOUSE OF LORDS,

Friday, May 2, 1845.

MINUTES.] BILLS. *Public.*—1ª. Museums of Art; Calico Print Works; High Constables.

2ª. Actions for Debt Limitation.

Private.—1ª. Lady Sandys' Estate; Liverpool Docks; Surrey and Sussex Roads; Glasgow and Shotts' Road; Sir Thomas White's Charity Estates (Herbert's).

2ª. Foulmire Inclosure; Clerkenwell Improvement; Paisley Gas.

Reported.—London Orphan Asylum; Amicable Society Assurance; Ellesmere, Birmingham, and Liverpool Canals Union; Bradford Gas.

PETITIONS PRESENTED. By Bishops of Sailsbury, Hereford, and Cashel, Earls of Roseberry, Haddington, and Eldon, Marquess of Breadalbane, and Lords Campbell, and Kenyon, from Ministers and others of Free Church of Culter, and from numerous other places, against the Increase of Grant to Maynooth College.—From Jedburgh, in favour of the Fresh Water Fishing (Scotland) Bill.—From Wigtown, and 2 other places, for the Abolition of Religious Tests in Universities (Scotland).—By Marquess of Normanby, from Commissioners of Courts of Request of Bolingbroke, and numerous other places, for Repeal of Insolvent Debtors Act Amendment Act, and for the Adoption of a Measure for the more easy recovery of Small Debts.—From Clergy and others of Bath, and several other places, against the Union of St. Asaph and Bangor, but in favour of the Appointment of a Bishop to the See of Manchester.—By Bishops of Bangor, Hereford, St. David's, Exeter, and London, Duke of Buccleuch, Earl of Powis, and Lords Lyttleton, and Vivian, from Collegiate Church of Westminster, and from the University of Oxford and several other places, against the Union of St. Asaph and Bangor.—By Earl Fitzwilliam, from Bent Newydd, and numerous other places, for the Suppression of Intemperance, especially on the Sabbath.—By Bishop of St. David's and Marquess of Normanby, from Unitarians of Diss, Norfolk, and from Merchants and others of Carmarthen, in favour of Increase of Grant to Maynooth.—By Duke of Richmond, from Clergy and others, of Tangmere, for the better Regulation of Beer Houses; and from Inhabitants of same place, for the prevention of Railway Trains running on the Sabbath.

CHAPLAINS OF GAOLS — TAWELL'S CONFESSION.] The Duke of *Buckingham* rose to put a question of which he had given notice. Early on the morning of Tawell's execution at Aylesbury, it appeared that that prisoner made a statement in writing to the chaplain of the gaol at Aylesbury, in the presence of the governor, acknowledging that he was guilty of the crime laid to his charge, admitting that he put prussic acid into the porter, and that he had made a previous attempt, in September, on the life of the woman he murdered. This statement in writing was given to the chaplain, a gentleman of great respectability, whom he had known for many years. The magistrates, shortly after the execution, communicated to the chaplain that it was their intention to ask a question respecting this written statement, and expressed a

hope that he would attend the meeting of the magistrates. The rev. Mr. Cox, the chaplain, did attend accordingly, and stated that he considered that the subject was one which ought not to be entered upon in open court; but, in reference to the letter he had received from the visiting justices, he said that he had no doubt, if he had a private interview with a certain number of those justices, that he should be able to satisfy them with reference to the line of conduct he had pursued. The magistrates declined to have this interview, and they sent to the Secretary of State for the Home Department a Resolution, embodying what occurred, and asked for his opinion. To this communication an answer was received to the effect, that the Home Secretary did not think it advisable to give instructions or offer an opinion on the subject, as it was very general and not one of immediate interest; but that if hereafter a case should arise in which the magistrates should desire his opinion, they had only to state the circumstances, and he would be ready to consider the case. This letter left in doubt the point whether the chaplain of a gaol receiving a confession was justified, after the execution of a criminal, in refusing to give it up, if the magistrates required the surrender of the document; and he should now ask a question on this subject, in order that their Lordships might have an opportunity of expressing their opinion on it. He thought it a matter of importance that no difference should exist between magistrates and chaplains of gaols; and it was for the satisfaction of the public, if a confession were known to have been made by a criminal, that it should be made public. Under those circumstances an expressed opinion on the part of their Lordships would be most important, as calculated to set at rest these doubts; and he therefore wished to know whether, in the opinion of the Government, chaplains of gaols were authorized in refusing to deliver to magistrates any confession made by a criminal in a gaol under their jurisdiction, if the magistrates should require the production of such confession?

The Duke of *Wellington* said, he was not authorized by Her Majesty's Government to give an answer to the question. He understood that the chaplain alluded to was an ordained clergyman of the Church of England, and in that capacity had sacred duties to perform in receiving the confessions of persons who were placed in the unfortunate situation in which the criminal referred to had stood; and that by the canon law, which was recognised as part of the law of England, he was prohibited from revealing the purport of that confession, except it were for the safety of his own life, or unless by such confession he had become acquainted with an intended commission of high treason. He was now only expressing his own individual impression, as he had no authority to speak on the part of Government with reference to this point.

The Marquess of *Clanricarde* said, that the subject brought forward was one of such importance, and the law referred to by the noble Duke of such a general nature, that he should not venture to offet an opinion respecting it; but he must observe that the law, as laid down by the noble Duke, had not been entirely observed by the chaplain in question, because, if the reports in the newspapers were correct, the chaplain had made a communication of the confession to two other parties; namely, to the Judge who tried the prisoner, and to the Home Secretary. If this were so, the question arose whether the visiting magistrates, who had jurisdiction over the gaoler, had not as much right to the confession as the Judge or the Home Secretary? While on his legs, he begged to ask whether any communication had taken place between the Government and the Sheriffs of London in reference to the scene which had recently passed in the gaol of Newgate, and to which he had called their Lordships' attention last Monday? He thought that that subject must be followed up by the House, because his attention had been directed to a statement in a paper, proceeding evidently from an authorized source, in which the Sheriffs justified their conduct.

The Duke of *Wellington* explained, that he intended his observation to apply to an oral confession, and not to a written communication, made, too, in the presence of a third person.

The Bishop of *Lincoln* said that, as tnclergyman who had been alluded to was uhe der his jurisdiction, he could join with the noble Duke (the Duke of Buckingham) in bearing testimony to the respectability of his character. He (the Bishop of Lincoln) had received no communication on

the subject from Aylesbury, and all the information he possessed respecting it was derived from the public papers; from which, as he understood, it appeared that, after the conviction of the criminal alluded to, and on the morning of his execution, he put a written paper into the hands of the Rev. Mr. Cox, the chaplain of the gaol, in the presence of the governor of the prison, who was acquainted with its contents. The question, therefore, did not appear to involve any breach of confidence on the part of Mr. Cox. The noble Duke (the Duke of Wellington) had alluded to the law on this subject; and he concluded that the noble Duke meant to refer to the 113th Canon, which, however, had really no reference to the subject; because that Canon directed that clergymen, in case of the churchwardens not doing their duty, might, at the visitation of the bishop or archdeacon, present any parishioner who had been guilty of immoral or scandalous conduct; but, after enjoining the minister to make these presentments, the Canon went on to say, that if any parishioner, in order to unburden his conscience, should confess any secret crimes to the minister, then he was bound not to publish that confession except it were in respect of a matter for the concealment of which his own life might be brought into jeopardy. That Canon, then, had no connexion with the case now brought under their Lordships' notice. The question really was this—"Is the chaplain of the gaol so much the servant of the magistrates that he is compelled, on their requisition, to place in their hands the document?" It was a question, not of ecclesiastical discipline, but of civil regulation.

The Duke of *Richmond* was obliged to his noble Friend for bringing the matter forward, which was one of importance. It appeared that the criminal had given a paper to the chaplain of Aylesbury gaol, in the presence of the governor. The chaplain read that paper to the criminal and to the governor; but on the magistrates asking for it, he refused to give it up. He (the Duke of Richmond) said, that the chaplain was not justified in this refusal. The paper was evidently not of such a confidential nature as that the magistrates ought not to have it. He thought that the magistrates were entitled to apply to the Home Secretary, under the circumstances; and he regretted that the only reply they had received from the Home Secretary was to the effect that he could not give an answer this time, but he would the next; so that there must be another dispute before the question could be settled.

Lord *Campbell* said, that as reference had been made to the law, he would say, that by the law of England there was no protection for any confidential communication made to a priest. It had been ruled, that a priest receiving a confession, was bound to disclose it in a court of justice; and a man had been tried before Judge Buller for murder, and was convicted and executed, a confession he made to a Roman Catholic priest being evidence against him. As an humble individual, he must express his extreme regret at the anxiety evinced to obtain a confession after the conviction of a prisoner. When the prisoner had been convicted by a jury, their verdict approved by the judge, and the Secretary of State saw no reason to interpose, why, in the name of conscience, should the prisoner be tortured to make a confession? The consequences of forced confessions were immorality and hypocrisy. Many a culprit had gone out of the world with a lie in his mouth for the sake of his reputation. In some of the continental States of Europe, execution did not take place until confession was made; and to extort confession, the criminal was put to torture. [*Cries of* "No, no! It is done away with."] That was the law, and such was one of the results of the propensity to obtain confessions. When the verdict was once pronounced, the law should be left to take its course, without reference to the confession of the convict.

The Bishop of *Exeter* said, he must venture to submit some little doubt of the correctness of the views of the noble and learned Lord; and he founded that doubt upon this great principle, that the Liturgy of the Church of England was part of the Statute law of the land. The Act of Uniformity stated, that it was set forth to the intent that every clergyman of the Church of England in these realms might certainly know the rule to which he was to conform in the administration of the Sacraments and other rites and ceremonies of the Church of England. Thus, the Book of Common Prayer was recognised as prescribing their duty to the clergy; and in that Book the clergyman was required to urge the sick man before him, if he saw

that anything was on his mind, to confess. Would their Lordships say that the law of the land should compel a clergyman to urge a man to make a confession, and afterwards submit that confession to investigation in a court of law? The late Justice Park had put forth some such opinion as that expressed by the noble and learned Lord, in a case which came before him for trial, and cited the case now quoted by the noble and learned Lord. He (the Bishop of Exeter) asked the Judge what had really passed, and whether the doctrine so laid down could be maintained; he thought not, and he inquired into the circumstances of the case. He (the Bishop of Exeter) was alluding to a case before Justice Wilson, and not Justice Buller; the case, not of a Roman Catholic priest, but of a clergyman of the Church of England. Justice Wilson was of opinion that he was compellable, under the circumstances, to give the confession; and Justice Wilson consulted Lord Loughborough, who agreed with him. The case was cited again before Lord Kenyon, in a case which his Lordship said differed materially from that cited; and therefore, though he was ready to give every attention to the opinion of the learned Judge who determined the case, no account was taken of it. He (the Bishop of Exeter) repeated, that it was most important to bear in mind that the Liturgy of the Church of England imposed this duty upon the clergy.

Lord *Stanley* remarked, that the question whether a clergyman, knowing that a person was guilty by his own confession, was morally or legally bound to bring that confession forward for the purpose of assisting an innocent man put on trial for the same offence, was a question of great nicety and difficulty; and the disclosure o a confession made by a prisoner before conviction might be considered so too; but the way to settle them would be to consider how far the ends of justice might be prejudiced or frustrated by withholding the confession. Those cases, however, differed from that of a man who made a confession, upon the brink of death, not for any worldly purpose, but for the unburdening of his mind and the relief of his conscience. That was a totally different question from the making known of a confession made before trial. But it appeared that in this case the confession had been disclosed. Perhaps such a confession might be disclosed for the satisfaction of the jury, that they had not convicted an innocent man; and, moreover, for the satisfaction of the public, that an innocent man had not been executed. But to disclose a confession made at the moment before death for the purpose of relieving the culprit's conscience was an interference with one of the most solemn duties of a religious minister. But in this case the clergyman had made public the purport of the confession, and had revealed the particulars of it to those persons to whom he thought it important to reveal them, not to the visiting magistrates. If the magistrates were dissatisfied with the mode in which the chaplain of the gaol had discharged his duty, it was in their power, and their exclusive power, to remove him from that situation, for the Government had no power in the matter. But he must venture to say, under such circumstances, no question of frustrating or forwarding justice being concerned, they had no right to call upon the Secretary of State to interfere with the chaplain. The disclosure of the confession he had received was a matter purely at his own discretion.

Lord *Brougham* said, he hoped most earnestly that the magistrates would not think of exercising any such power of removal, because the clergyman had acted upon his own discretion and responsibility, and in his humble opinion he had exercised a very sound discretion. He heartily agreed with his noble Friend that it was no part of the duty of the Secretary of State to interpose with his advice upon such an occasion. He had yet to learn that the Secretary of State had either the authority to tell the magistrates what the law was, or had any duty cast upon him to answer law questions which the magistrates might put to him from time to time. His right hon. Friend might have been perfectly well advised in refusing to answer this question, and he would have been equally well advised in aiding the magistrates hereafter with his advice if he thought proper. But there was one matter so grave and important to the administration of criminal justice, that he should not exercise his duty in that House if he did not add something to what had been said by his noble and learned Friend. He dismissed altogether the delicate and important question whether a clergyman was bound to disclose previous to conviction that which had

been communicated to him under the seal of secrecy in a confession. There had been cases in which the seal of secrecy had been broken, and clergymen compelled to disclose what they knew. But that question did not arise here at all. The authority of Justice Buller had been cited; but this was not that case. This was a case after conviction of a confession not made in any confidential manner, but upon paper, in the presence of a third person. But let it not be supposed for a moment that a confession was to be sought for to satisfy the public, or, above all, the jury. The public ought to be satisfied with the verdict of the jury, approved by the judge, and acted upon by the Government. There were three parties to the conviction and execution; the Jury, the Judge, and the Crown the fountain of mercy. The jury ought to have satisfied themselves upon legal evidence of the guilt of the party, and no confession should be wanted after that. If the jury were to be told that they must look forward to a confession to satisfy themselves afterwards, their consciences would be smitten if the confession were withheld; and if they were to be led to speculate, instead of weighing evidence, the consequence of a confession would be the solving of their doubts. If the jury had doubts, they ought not to convict. But if they had to convict upon moral, if not upon legal evidence, they should require no such confession to salve their consciences or satisfy their doubts; for this simple reason, that their consciences should be kept clear by an honest performance of their duty; so that when they gave their verdict, they should entertain no doubts. Confessions were sometimes made for the purpose of saving accomplices, and sometimes withheld by the most guilty criminals.

The Marquess of *Normanby* said, that when he was Secretary of State for the Home Department, he had several interviews with the Sheriffs of London, and prevailed upon them to discontinue customs which had been practised, on the ground that they were a violation of decorum. But he wished to call the attention of their Lordships to another matter —the publication of the letters of a prisoner under sentence of death. Their Lordships were aware of the power that the authorities had of opening or superintending the letters of persons of that description. He was sure that power was never intended to be exercised in the way of furnishing to the public such disgraceful and disgusting instances of hypocrisy and blasphemy as two letters which were published in the newspapers on Tuesday last, addressed to two unfortunate women. Those letters had been made the subject of conversation and comment from one end of the country to the other by being so published. He wished to know whether the Secretary of State would interfere at once, in order to prevent the recurrence of such transactions?

Lord *Denman* expressed his entire and cordial agreement with the sentiments of his two noble and learned Friends. In consequence of the extreme anxiety to obtain confessions, it would seem that juries had been taught to suppose they had done something wrong by returning a verdict of guilty unless it was followed by the confession of the culprit. If any very strong facts could be brought forward in favour of a prisoner after conviction, no doubt there would be a proper exercise of the prerogative of the Crown. But must the administration of the law be thought insufficient and unsatisfactory if conviction was not followed by that which might be withheld by the guiltiest person? He trusted that the public mind, which was apt to correct itself in matters of this kind, would throw away its extreme curiosity with respect to such proceedings and those disgusting documents which formed part of the attractions of the theatrical exhibitions made by criminals. After a lengthened inquiry, and a clear statement of the facts in the case of a person who, being a man of wealth, was defended by one of the most able of counsel, who was tried before a judge unrivalled for learning, legal knowledge, sound judgment, and undoubted impartiality, it was really idle to suppose that the making or withholding of a confession ought to have produced the slightest difference of opinion in the public mind that the verdict was satisfactory, and that the execution justly followed it. He did not know that the magistrates had any more power with regard to the confession than any other individuals.

The Duke of *Buckingham* thought there had been some mistake. His question was not as to the contents of the document, but whether the magistrates had a right to possession, or whether

the chaplain was justified in withholding it?

Lord *Stanley* stated, with respect to what had passed the other night in that House with regard to Newgate, that immediately afterwards he communicated with his right hon. Friend the Secretary for the Home Department, and stated that, on the part of the Government, he had given an assurance that inquiry should be instituted. The noble Marquess (the Marquess of Normanby) was quite aware that the power of the Secretary of State was not imperative, and that he could merely offer a recommendation. He had not yet heard what reply his right hon. Friend had received from the authorities of Newgate.

ST. ASAPH AND BANGOR AND MANCHESTER DIOCESES BILL.] The Earl of *Powis* presented a great number of petitions. The noble Earl added, that the petitions he had this day presented came from bodies residing in seventeen different counties. Lord Powis then proceeded to say, that previously to submitting to their Lordships the Bill he held in his hand, "To enable Her Majesty to make certain provisions for Preventing the Union of the Sees of St. Asaph and Bangor, and for the Appointment of a Bishop of Manchester," and moving its second reading, he thought it well, as an index to public opinion upon this important Church question, to state to their Lordships what its progress had been, as far as he was himself concerned. In the year 1843, when he had first the honour of bringing the St. Asaph and Bangor Diocesan question before their Lordships' notice, petitions from only nine English counties, five North Welsh counties, and two South Welsh counties, had been entrusted to his care. In 1844, they were increased to fourteen English counties, six counties in North Wales, and two in South Wales. In 1845, he had been honoured with the charge of petitions from various bodies of the clergy and laity connected with twenty-five English counties, and every county in North and South Wales, making an aggregate of thirty-seven counties out of the fifty-two of which England and Wales were composed. He must avow that it was a gratification of no trifling nature to witness this increased and increasing anxiety on the part of Churchmen in general in England, in favour of a question in which the religious interests of the Principality of Wales were so much involved. Everything he had seen and heard upon the subject out of their Lordships' House tended to confirm his conviction of the eagerness and anxiety felt by Churchmen for its success; and hence the reiterated entreaties to him to persevere, and his determination again to submit this important measure to their Lordships' consideration. In moving the second reading of the St. Asaph and Bangor and Manchester Dioceses Bill, he would not go over the ground which he had trodden in the former debate; but he would endeavour to bring before their Lordships, clearly and shortly, the principal points. Their Lordships would bear in mind that the duties of the right rev. Prelates who presided over the Welsh dioceses, were in one respect more onerous than those of their brethren in England. This arose from the mixture of the two languages, and the consequent difficulty of selecting individuals to fill vacant benefices where this mixture prevailed. About four-fifths of the livings in North Wales were in the gift of the Bishops of St. Asaph and Bangor; he believed a greater number in each diocese than the average of English dioceses. Their Lordships would hardly form an opinion, without local knowledge of the dioceses, of the difficulties which the right rev. Prelates had in discharging this duty, (he was bound to say no persons could be more anxious to discharge it faithfully,) while their patronage was limited to their respective bishoprics. That portion of the Act which he sought to repeal, doubled this duty, while by increasing the area over which the right rev. Prelate had to preside, it increased the difficulty of communication between the bishop and his clergy. Another subject which confirmed him in the opinion he had entertained, that the union of the two dioceses would be fraught with injury to the Church, was the knowledge they had of the sentiments of his right rev. Friend (the Bishop of Salisbury) on the bench behind him, who had undertaken the government and management of two dioceses. If he felt the difficulty which he had expressed to their Lordships, how could they expect that individuals less qualified should be able to discharge such duties? An additional evidence of the inconvenience of uniting the two dioceses was to be found in the reiterated opinions of the clergy of the Sees of Gloucester and Bristol, already united, of the inconvenience and injury arising from their union. They had the advantage of being

presided over by a Prelate in every way fitted for the office, and as much respected by the clergy as any one could be; and yet the practical inconveniences were so great, that there was almost a universal opinion against the union. He need hardly inform their Lordships that the clergy of North Wales were almost to a man opposed to the union which it was the object of the present Bill to prevent. He did not think that he should be going out of his way if he availed himself of certain expressions of public opinion, to show the great anxiety which prevailed universally upon this subject. The first he should take the liberty of reading, was an extract from a petition he had had the honour to present, signed by a very considerable number of persons, clergy and laity, in Manchester, all anxious to support the claim for a Bishop of Manchester. He must do the clergy of Lancashire the justice to say, that in supporting their own rights, they did not forget what was due to their Welsh brethren and the Church of North Wales. The extract he referred to stated that—

"The immediate consequence of the measure has already been to deprive Manchester of a bishop during the last ten years; and its future effect must be to inflict the same injury on North Wales for ever."

He would next read to their Lordships a note accompanying a petition from a parish in Denbighshire, in which the writer said—

"I have taken the liberty of forwarding to your Lordship, for presentation in the Upper House of Parliament, a petition signed by the clergy, churchwardens, magistrates, gentry, and farmers, resident in this parish, against the threatened Union of the Sees of St. Asaph and Bangor. My parishioners feel very deeply upon this subject, and every farmer and householder capable of writing has affixed his name to the enclosed petition."

Another petition was accompanied by a note from a clergyman of the name of David Davies, who stated that he had been minister of the parish for a quarter of a century at 75*l.* a year. In a petition from the parish of Rochdale in Lancashire, the petitioners entreated their Lordships to consider in what light this nation must stand before the world—

"If she shall be seen on the one hand lavishly enlarging by many thousands a year her grants from the national Revenue to a Romanist College; and on the other hand dealing out with such niggard parsimony towards the Established Church, that she cannot rom the same source endow a single bishopric, even in Manchester, the great centre of her commercial resources, the teeming hotbed of that population which at the same time creates her wealth, and creates the necessity, and the obligation in the sight of God and man, for increasing the number of the bishops.

"Your petitioners humbly pray that your Lordships will leave untouched the ancient See of St. Asaph, and reject the proposed annexation of it to that of Bangor, as a scheme fraught with dishonour to the British name, with discouragement to Protestants in general, and especially to the members of the Established Church; and above all, with ingratitude and sinfulness against that Almighty Father, to whose unmerited mercy and unbounded love they are indebted, for not only the religious pre-eminence, but also the temporal greatness and prosperity of this favoured land."

He thought he was justified in reading these extracts, which showed that the opinions and feelings prevalent in the country upon this subject were stronger than their Lordships were probably aware, and far different from the representations made to them last year; but of this as respected the clergy he should presently have an opportunity of conveying to their Lordships a still more decided testimony. In addition to these statements, there was evidence on record which could not but weigh, as it did upon a former occasion, with their Lordships, namely, the opinion expressed by Members of the Ecclesiastical Commission. A noble and venerable Earl, who had addressed their Lordships upon this subject last year (the Earl of Harrowby), was not now, he regretted to say, in a state of health to come down to the House; but that noble Earl had last year avowed his entire change of opinion on this subject, and had declared his belief that the projected union of the sees was both injurious and unnecessary; and he (Lord Powis) was happy to be able to assure their Lordships that the noble Earl still entertained the opinion he had then expressed. The opinions of other members of the Ecclesiastical Commission, who had not yet expressed themselves on the subject in public, had undergone a similar change. But there was one document which he must take the liberty of reading to their Lordships, as it would prove to them that the sentiments of a most rev. Prelate (the Archbishop of Canterbury) did not differ from those of the noble Earl to whom he had alluded. It was the reply of his Grace to a memorial addressed to him by the parochial clergy of the diocese of St. Asaph, on the subject of the union of the two sees. The most rev. Prelate, after approving the very temperate

language of the memorialists, "in regard to a subject on which they feel so deeply," went on to say—

"Were the measure to which they object at this time under consideration, I should hardly be justified in pressing it forward in opposition to the opinions of so highly respectable a body of clergy. But when it forms part of an arrangement which received the sanction of the Legislature several years ago, I feel a difficulty in engaging to aid in the undoing of what was then deliberately done. I wish I could acknowledge the memorial in a manner more satisfactory to your Lordship, as well as to the clergy of your diocese; but when you consider the position in which I am placed I may rely on your kind indulgence."

He (the Earl of Powis) could not help thinking that at the present time another circumstance rendered the subject worthy of the consideration of their Lordships—he alluded to the state of the population. Their Lordships would recollect that the dioceses they were about to unite were those where the difficulty of communication was greater than in any part of the country, and that the population was rapidly increasing. In 1801, the population of North Wales was only 250,000, and by the last census it was 396,000. The enormous population of another district might give it great claims to the appointment of a bishop; but he thought that the increasing population of North Wales entitled it to retain the two that it already possessed. The next point was the introduction of the Bishop of Manchester, and upon that part of the subject it was not necessary for him to enlarge. Their Lordships were aware of the enormous population of that part of the country, and how necessary it was for the interests of religion that there should be a bishop there; he thought that on a former occasion, the expression used by a right rev. Prelate was, that "it was indispensable that there should be a bishop at Manchester." He (the Earl of Powis) was ready to accede to the observation; and anxious as he was, for the sake of his own countrymen, to secure their interests, he was far from being willing to see those of Manchester neglected. The next topic was one which had been brought before their Lordships by a noble Friend of his on the other side of the House (Lord Monteagle), who had given notice of an Amendment to the following effect:—

"That, subject to Her Majesty's gracious consent, this House is prepared to take into its early consideration the Act of the 6th and 7th William IV., c. 77, so far as relates to the bishoprics of St. Asaph and Bangor, with a view to the Amendment of the Law by adopting the principles of the First Report of the Church Commission, dated the 17th of March, 1835, in which it is set forth, that 'one advantage which will result from the union of these two sees will be the opportunity afforded of applying a part of the impropriations, which constitute nearly the whole property of the bishoprics, to the augmentation of poor and populous vicarages in the united diocese.'"

This proposition had been propounded by other persons besides his noble Friend. He wished his noble Friend had entertained the same opinion at a time when he had the opportunity of giving effect to the proposition he was about to recommend to their Lordships. Unfortunately, a different view was then taken by his noble Friend from that entertained by a right hon. Friend (Sir Robert Peel) and the Ecclesiastical Commissioners who acted with him. The Report of the Commissioners quoted in the noble Lord's Resolution, was dated the 17th of March, 1835; in the year following, in March, 1836, a different view was taken as to the revenues of the dioceses of Bangor and St. Asaph, or rather, he should say, as to the mode of dealing with the surplus episcopal revenues. It appeared that the Report of 1836, after going through the revenues of the other dioceses, came to St. Asaph and Bangor. It stated that the revenue of the Bishop of St. Asaph was 5,200*l.*, and that of the Bishop of Bangor 3,800*l.*, and the income of the united see was to be set at 5,200*l.* The reduction proposed from the revenue of all the sees would give a surplus of 28,500*l.* a year, to which, if there be added the revenue of the See of Bristol, amounting to 2,300*l.*, the total sum saved would be 30,800*l.*, which being divided amongst the thirteen bishoprics requiring additions, and two new sees, would provide an income varying from 4,000*l.* to 5,000*l.* per annum, to be appropriated according to the circumstances of the different dioceses. This Paper, which bore not the signature of Sir Robert Peel, but of "Thomas Spring Rice," provided, therefore, that the whole of the 30,800*l.* should be applied to the benefit of the poorer sees. Lord John Russell, shortly after, brought in a Bill to carry out the recommendations of the Report. A deputation waited on Lord John Russell upon the subject, consisting of persons connected with all the political parties, the question being one in which party was not concerned.

The noble Earl then read the following minute of an interview with Lord John Russell and Mr. Spring Rice, Tuesday, May 30th 1837:—

"A deputation of Members connected with the dioceses of St. Asaph and Bangor, were received by Lord John Russell and the Chancellor of the Exchequer at the Home Office; present, Lord Clive, Right Hon. C. W. W. Wynn, Hon. R. H. Clive, Captain Paget, Hon. Lloyd Mostyn, W. O. Stanley, esq., R. Price, esq., Colonel Edwards, W. Ormsby Gore, esq., Wilson Jones, esq., Richard Richards, esq.

"Lord John Russell admitted that that portion of the revenues of the Bishops of St. Asaph and Bangor, which arises from commendams allowed by the Law Officers of the Crown to be legally such, was not legally applicable to the fund for increasing the incomes of other bishoprics. Lord John Russell refused his consent to withdraw from the general fund the remaining surplus of the incomes of St. Asaph and Bangor, after deducting the amount arising from commendams, which the Deputation urged according to the recommendation of the first Report: viz.—'That one advantage which will result from the union of the two sees, will be the opportunity afforded of applying a part of the impropriations, which constitute nearly the whole property of the bishoprics, to the augmentation of poor and populous vicarages in the united dioceses.'"

It appeared to him (the Earl of Powis) a little hard that his noble Friend should take so different a view of the subject now, from that which he took in 1836, when, if he had been so disposed, he might have carried out his views with the influence his official position gave him; instead of which he had not only allowed that opportunity to pass by, but had been a party concerned in swamping the very measure which he now brought forward. Their Lordships would bear in mind how much benefit would have attended that measure. He (the Earl of Powis) should have had much of the ground taken from him which he had been occupying for the last two or three years, and their Lordships would perhaps have been saved the trouble and pain of listening to him. There was a feeling that a different measure was meted out to Welshmen from that which was afforded to their brethren in the dioceses of England. When the arrangements with regard to Cathedral establishments were made, the least that was allotted in England was a dean with 1,000*l.* a year, and four canons with 500*l.* a year each; in North Wales, a dean and two canons only; and, therefore, though in South Wales the Legislature was establishing that which did not previously exist, yet in North Wales, where there was to be this reduction of their deaneries, from a competent income to a state inferior to that of the English dioceses, the greatest repugnance was felt to that measure, and, indeed, to it might be traced the feeling which had brought the present case before the House. In consequence of the expression of that dissatisfaction, while the Cathedral Chapters Bill was passing through the House of Commons, Sir J. Graham was induced to consent to allow the number of canons to be the same as in the chapters in England; but still the dean was to have 1,000*l.* a year in England, and only 700*l.* a year in Wales; and the canons 500*l.* a year in England, and only 500*l.* a year in Wales. There was also another description of property which had been at the disposal of his noble Friend (Lord Monteagle) for endowing and improving the poorer vicarages in North Wales—the sinecure rectories, which were to be put an end to. These amounted to about 9,000*l.* a year, of which nearly 4,000*l.* was from the diocese of St. Asaph alone. Why was this description of property overlooked by his noble Friend, who was now honouring Wales with his sympathy? This property was open to the disposal of Parliament, subject to the lives of the present holders, and could form a fund for the augmentation of small livings, without involving a violation of episcopal property by applying it to other than episcopal purposes? Should he (the Earl of Powis) now be justified in listening to such a proposition? Ought he not, in justice to those who entrusted their concerns to his care, to reject it? What, indeed, did it mean? Was his noble Friend's new application of tithes to be limited to North Wales, or extended to South Wales? Was it to be limited to North and South Wales, or extended to England? Was it to be limited to tithes held by the clergy, or extended to those possessed by the laity? Last year, there was a very interesting and important Report from Commissioners, in relation to South Wales, in which it was stated that one of the causes of the mischiefs which had arisen in that part of the country was the impoverished state of the Church; and this sprung in great measure from the tithes being not in episcopal hands, or even in the possession of ecclesiastical establishments, but mostly in lay hands. Now, was this proposition of the

noble Lord (Lord Monteagle) to be made the beginning of a new system; and did he mean to interfere not only with episcopal tithes, but ecclesiastical tithes generally—those belonging to ecclesiastical bodies, and also those in the hands of laymen? If so, did he intend matters to remain in other respects in the same position as at present? It was important, for the sake of justice, to know what his noble Friend's views were, before his Motion was made use of to defeat his (Lord Powis's) Motion for the benefit of the Welsh dioceses. For some parts of Wales might lose more than they gained; the dioceses of North Wales had only been little above a twelvemonth drawing upon the general fund; in the course of 1844, an income of 430*l.* had been given to St. Asaph, and only 51*l.* to Bangor. North Wales ought not to be left in doubt upon the noble Lord's proposal. But the fact was, that Parliament had given power to the Crown to deprive North Wales of one of its bishops; but a condition was annexed, which had not been complied with, and therefore, according to the analogy of the engagements between private individuals, the original state of things ought to be reverted to. The noble and learned Lord on the Woolsack would soon dispose of such a question as that, if brought forward by individuals in the Court of Chancery. He would now, with their Lordships' permission, notice some topics, which, although they had reference to himself, he thought he should be justified in alluding to, inasmuch as they must tend to prove to their Lordships the general earnestness of all classes of Her Majesty's subjects in favour of the North Welsh bishoprics; and he hoped he should thereby advance the cause he had in charge. It was his fate last year to be assailed by no moderate share of abuse for the part that he had taken on the St. Asaph and Bangor question. He was accused of having betrayed the sacred cause which had been entrusted to his care by his countrymen. A public man who does his duty is always liable to such an ordeal, and must reconcile himself to it as best he may. Happily for himself, supported and countenanced as he had been in and out of their Lordships' House, these attacks had fallen but lightly upon him. They were almost simultaneous with one of the highest distinctions which it is in the power of his fellow subjects to bestow on an English gentleman. He was last year selected by the University of Oxford to have the distinction of an honorary degree conferred upon him. He had previously been utterly unknown to that University—he had the honour to be a Member of the University of Cambridge. The part he had taken in reference to the North Welsh dioceses had nevertheless found favour with the learned persons at the head of that University. Thence the greatest compliment paid to him since his entrance into public life. No man who had not been present in that theatre could appreciate the effect of a favourable introduction into it. There were those present in their Lordships' House who could feel what it was to receive such a distinction from the learned and enlightened body which assembled there. Of all the civil honours which had been conferred upon the noble Duke near him (the Duke of Wellington), he believed none had gratified his Grace more than those which he had received from the University of Oxford. There was also another noble Earl present who could bear his testimony as to what a reception was by that learned body. But in each of these cases the noble persons receiving distinctions had every recommendation which great public services rendered to the country could afford, to attract the notice of the University to them as fit objects for academical honours. Such was not the case as respected himself. He had no such advantages. His had been the quiet and unpretending life of an English country gentleman. The only passport to the favour of the University was his conduct as respected this measure. He might venture to add, and he thought he was entitled to add, that such a reception as he had met with from so large a portion of the youth, the blood, and the education of England, countenanced and supported by the learned and distinguished men who presided over that University, ought to secure to that Church question which was the cause of that reception a grave, and serious, and favourable attention. Such an expression of feeling ought not to be slighted by any Administration. Those who neglected to regard such expressions could hardly fail to fall into error. This, it should be noticed, was not a meeting hastily got up at a moment of public excitement by public clamour, and attended by ill-educated persons, careless or indifferent as to its result, and who did not understand the subject which was the cause of the meeting; but an authorized assembly of those who equally, and perhaps as justly,

as their Lordships, appreciated the evil the Church would sustain by carrying out the injurious union of the North Welsh dioceses. But great, and honourable, and gratifying as this testimonial was, he (Lord Powis) must not omit to bring to their Lordships' notice some sentences in a vote of thanks which came to him from his own countrymen, the clergy of the diocese of Bangor, who had affixed their names to it. It should be understood by their Lordships, that he had scarcely any connexion with the diocese of Bangor, or even the honour of personal acquaintance with those who signed the paper in question:—

"We, the undersigned, clergymen of the Established Church, resident within the diocese of Bangor, most respectfully request your Lordship to accept our most sincere thanks and most grateful acknowledgments for your Lordships' exertions in endeavouring to obtain a repeal of so much of the Act of Parliament (6 and 7 Geo. IV. c. 77), as provides for the union of the Sees of St. Asaph and Bangor.

"Feeling that the efficiency of the Established Church depends, in great measure, upon proper episcopal superintendence, we freely acknowledge the good policy of the Ecclesiastical Commissioners, in providing for the creation of a bishopric at Manchester; but we cannot conceive why they should create in North Wales the very evil they are endeavouring to remedy in England. We feel, that by being deprived of our diocesan, we should be deprived of an aid for which no vicarial substitute can be found. We want the union, combination, and energy given to the efforts of the clergy, by the presence of their bishop; we want his example to incite, his presence to stimulate, his approval to encourage. . . We assure your Lordship that we are above all mercenary motives, and that we consider individual interest but as the small dust in the balance when compared with the general good. . . . . We earnestly intreat that you will persevere in such measures as you may deem most effectual towards ensuring the future success of your efforts; and we most respectfully desire your Lordship to accept our most sincere expressions of obligation and gratitude."

In the letter which transmitted this Memorial, the writer added—

"It is the best reply we could make to Lord Vivian's assertion that the clergy are indifferent on the subject."

He had nothing further to add, except to notice the manner in which South Wales had been introduced into the discussion respecting the North Welsh dioceses; more he feared with a view of diverting the attention of the public from the injustice of which the people of North Wales complained, than with a view to the benefit of the Principality. These dioceses were as distinct in points of income from the dioceses of North Wales as were any of the English dioceses. Those of North Wales contributed to the support of Chester and Lichfield, and to the Colleges of Christ Church and Jesus College, Oxford, from which they had hitherto received no return. It was now proposed, as a measure of reform, to cause them to contribute nominally to the maintenance of the bishoprics of South Wales, but in reality to relieve the episcopal fund of England by so much as they contributed to the South Welsh dioceses. He, therefore, entreated their Lordships to confirm their good work of last year, and replace, as far as in them lay, the power to do so, the North Welsh dioceses in the situation they stood before the issuing of the First Report of the Ecclesiastical Commissioners, and to continue to them that ecclesiastical superintendence which they considered necessary for the welfare of the Church and of the country whose claims he had the honour to uphold. The noble Earl concluded by moving the Second Reading of the Bill for enabling Her Majesty to make certain provisions for Preventing the Union of the Sees of St. Asaph and Bangor, and for the Appointment of a Bishop of Manchester.

The Duke of *Wellington:* My Lords, I am concerned to be under the necessity of again claiming your Lordships' attention for a few minutes, whilst I submit to your Lordships my reasons for thinking that it is desirable for your Lordships not to give a second reading to the Bill proposed to you by my noble Friend. Adverting to what my noble Friend has stated at the commencement of his address to your Lordships respecting the petitions presented by himself and other noble Lords against the union of the two Sees of St. Asaph and Bangor, I cannot but express my admiration of the conduct of those persons; my sense of their attachment to their Prelates, who have so long instructed them; my admiration for those right rev. Prelates, who have merited and obtained the admiration of the people placed under their charge; and my satisfaction at seeing such an example of attachment as has been demonstrated upon this occasion. But I beg your Lordships not to be under any mistake as to these petitions—I allude to the petitions which have reached your Lordships' House from the dioceses of St. Asaph and Bangor. I

have taken the trouble of looking at those petitions; those presented this evening I have not had an opportunity of looking at—but, of the others, I find that, out of the 312 petitions which have been presented, not one-third, not above 100, have come from places in the dioceses of St. Asaph and Bangor; the others have come from all parts of England, from the clergy, and, as my noble Friend has stated, from others in all parts of England. My Lords, I will make some observations presently on these petitions, and the difficulties they have thrown in your Lordships' way; but that to which I wish now to draw your Lordships' attention is the particular provisions of this Bill, and the measure which this Bill is intended to put an end to. My Lords, this Bill is intended—neither more nor less—to produce the same effect as the two Bills introduced in former Sessions by my noble Friend. It is intended to repeal the Act of 5th and 6th William IV., which Act was introduced to carry into effect the recommendations of the Ecclesiastical Commissioners. Now, my Lords, I wish your Lordships to recollect the object for which those Ecclesiastical Commissioners were appointed. It was desired to remove from the Church many anomalies; to render the exercise of its duties more efficient and more general; to extend them over parts of the country in which they were not so available as might have been wished; to render the Church an object of attachment and of affection to all parts of the country, and particularly to certain populous districts which did not enjoy the full benefit of the ministry of the Church, and over which it was desirable to extend the benefit of the superintendence of a diocesan; to revise the system by which the diocesans were paid; and, in short, to review the whole system with the view to amendment and to such improvement as would render it more effective and more useful. Every one must admit that this was an object of essential importance, and that it was desirable to attain it through the means already possessed by and at the disposal of the Church itself. In the year 1835 my right hon. Friend, at present First Lord of the Treasury, being then in the same situation, recommended to his late Majesty, with the knowledge of the heads of the Church, and with their full consent, a Commission to examine all these points, to report upon them, and to recommend such measures as should attain the object they all had in view of rendering the Church more efficient, and a greater object of attachment to the people at large than it was at that moment. My Lords, these reports were made, certain recommendations were given in, and it was well known at that time that the arrangements proposed must be attended with a great sacrifice of patronage, by the discontinuance of some offices in the Church, and by the diminution of the remuneration given to some other offices; at the same time, all having the same object in view—of increasing the efficiency of the Church, and of making it the object of attachment to the people—assented to the proposals. My Lords, not only were these sacrifices known, but they were actually carried into execution at the time. Great sacrifice of patronage was made not only by the Minister of the day and by the Crown, but also by the right rev. Prelates now on the Bench near me. The Crown, the Minister, and the authorities of the Church were perfectly ready to carry these measures into effect; and this was not done by one Government, or by one side of the House or the other:—noble Lords opposite entertained the same opinion, and acted on the same views. Every sacrifice of patronage was made by them, and by the right rev. Prelates, to carry into operation these measures; but although they made these sacrifices, they made them to obtain one single object—that object being to render the Church more efficient, and deservedly the object of attachment to the people of this country. But, my Lords, though this was the object—and undoubtedly a great object it was—and in the attainment of which both the great parties into which the State has been divided for a number of years cordially concurred, yet it cannot be denied that many persons out of doors did not look upon the attainment of that object, or the means by which it was to be attained, with the same degree of favour. Some thought it might be desirable to establish additional dioceses, and to make other arrangements in the Church, but that the public ought to incur this additional expense. I believe, however, that the feeling on both sides of the House was then, and is now, that it was desirable to attain these objects — that these changes should be made—but it was considered most advisable by those who

were intrusted with the carrying out of these measures, that it should be done through the means which the Church possessed within itself. Now, my Lords, to return to the subject of the petitions—in the great majority of the petitions which my noble Friend has mentioned, these feelings are still maintained; but it is made a subject of complaint that the temporal interests of many individuals have not been fairly consulted in their arrangements. No one, my Lords, feels more strongly than I do the propriety of making a handsome provision for the Church, and for the temporal affairs of the Church. I feel that it is one of the greatest advantages this country possesses that men of education and of attainments should be the men who fill the highest offices of the Church; and I hope that we may long enjoy those advantages. Not only do we associate with them in our private capacities, but in all the public objects of life; in the Council of State we meet them; in this place we meet them, and elsewhere; we know them to be proper and fit persons of the highest education and attainments; and it is impossible to expect that the public can enjoy the services of such men, unless their temporal advancement is taken care of, and unless their services are remunerated as the services of all public men in this country ought to be. I am aware that many think differently, but that is the feeling of a great majority—of two-thirds of the persons who have presented the petitions to which my noble Friend has adverted this evening. But, my Lords, the question comes to this—whether we shall now go back, having adopted these arrangements, and having carried them so far as to have passed the Act of the 5th and 6th of William IV., without any opposition here—an Act which was supported on the very ground, and by both sides of the House, of the necessity of a relief being afforded to the Church, and of a revision of the establishment of the Church being to be made by means in the possession of the Church at that moment? If I recollect right, there was no discussion in this House—I am sure there was no division—on the Act of the 5th and 6th of William IV.; and there was, I believe, no opposition, and certainly no division of any importance, on the other Act respecting the ecclesiastical appointments; and there was no discussion till two years ago, when my noble Friend brought forward his Bill to repeal that part of the Act which relates to the union of the Sees of St. Asaph and Bangor. My Lords, that union was certainly the foundation of a principal part of the system relating to the dioceses, that is to say, the dioceses of Manchester and Llandaff; and it appears to me that your Lordships will hardly be able to maintain the other parts of the system if you adopt the plan of repealing that part of the Act of the 5th and 6th of William IV. Indeed, my Lords, it would suspend immediately the operation of the Act, if my noble Friend's intention be carried, of withdrawing from the system proposed by the Ecclesiastical Commissioners, and already commenced. Therefore I call upon your Lordships at once to step forward, and to say you won't do that; and if you will attend to me a few moments I will show that the dioceses of St. Asaph and Bangor have no reason to complain of the whole arrangement. My noble Friend has adverted in the course of his address to night to the early part of the first Report, upon which my noble and learned Friend on the Woolsack means to make some Motion to your Lordships to-night. My noble Friend says that the first Report contained an engagement that the appropriate tithes forming part of the revenue of the Sees of Bangor and St. Asaph should be devoted to the increase of small livings there. Now, I will not go so far as to say that the subject was not contemplated; and although there was no engagement, the Report did that which no public document ought to do—it did mention what was passing in the minds of those who signed the Report. Then my noble Friend says this was a secret engagement, and that as we have broken it we ought to put him in the same situation in which he and others were before they entered into it. But, my Lords, begging my noble Friend's pardon, nothing has been yet carried into execution. The appropriate tithes are still in the enjoyment of the old holders, and I hope they may be long enjoyed by them; and till that event occurs that engagement to which my noble Friend refers cannot be broken. I know not if my noble Friend has looked into the Reports, but if he has he will have found a tabular statement of the small livings in want of assistance; and I think he will find large sums placed under the head of these two dioceses of St. Asaph and Bangor. I do not now say

that the funds are now in a state to give that amount; but my noble Friend says that a sum has already been given out of the common fund to augment these small livings, to which the diocese of Bangor has not contributed one shilling, notwithstanding the poor curacies in that diocese have enjoyed an augmentation by direction of these very Commissioners—they have in fact already benefited to the extent of 500*l.* or 600*l.* a year out of the Church funds. This will show, my Lords, that there did exist an intention on the part of the Commissioners to provide for the poorer livings in the dioceses of St. Asaph and Bangor out of the common fund, and that not upon the footing that my noble Friend has stated, but on the same scale and in as fair a proportion as the poor livings in other dioceses. I now come, my Lords, to the consideration of what the sacrifice is which St. Asaph and Bangor will be called upon to make when the measure by which those two sees are joined comes to be carried into full effect. That measure, my Lords, I need not remind you, has not yet been carried into execution, and I heartily hope the day is very far distant at which its accomplishment will take place; but in the mean time let us see what will be the sacrifice which the clergy and people of those two dioceses will have to sustain; and let us on the other hand examine what they will gain by the junction of the two sees, and place that in comparison with the inconveniences which will be felt. The sacrifice, my Lords, as the papers on your Lordships' Table, to which I have already referred, show, will amount in a pecuniary point of view to the sum of 4,700*l.*, which will be contributed by the diocese of Bangor to the diocesan fund. On the other hand, the dioceses of St. Asaph and Bangor will acquire immediately the advantage arising from the funds of the sinecure rectories, as they are called, amounting to 3,900*l.* Now, observe, my Lords, this advantage which these sees will immediately acquire is derived by them in consequence of a part of the system which is not touched upon in the Act of 5 and 6 of William IV., but which results from the Act of 3 and 4 of Victoria. It is intended that these sinecure rectories shall be reformed throughout the whole of England and Wales, and that their revenues shall be applied to the purposes of improving the parochial services of those dioceses wherein they exist. Nay, the Act, my Lords, goes further even than this; for there is one clause of it by which the Ecclesiastical Commissioners are able to dispense with awaiting for the decease of the incumbent, and are endowed with power to purchase the advowson at once. But, at all events, at the expiration of the existing tenures, the revenues of these sinecure rectories are to be applied as I have stated. Now, I do think, my Lords, that my noble Friend must admit this amount to be a set-off against the sum of 4,700*l.*, which the Sees of St. Asaph and Bangor will sacrifice eventually to the diocesan fund; and, mind you, this is an advantage arising out of that very system which is carried into effect in conformity to, and in consequence of, the Reports embodied in those volumes lying on your Lordships' Table. I beg your Lordships will bear this in mind, that the object of the noble Earl's Motion is to shake the foundation of these Reports, by which all the advantages pointed out by me have been gained. I now, my Lords, approach another branch of this question, namely, the consideration of the deaneries and chapters, and the archdeaconries, which are to be established in these two dioceses, when they are hereafter united into one. In each of these dioceses there will hereafter be constituted a dean and a chapter of four canons. My noble Friend has made it a matter of complaint that there are no estates out of the proceeds of which these deans and chapters can be supported. But an ample provision will be made for them when the two dioceses come to be united. In the meantime their salaries will, I think, be only from 700*l.* to 750*l.* for the deans, and 350*l.* for the canons. But I beg your Lordships to observe, that although the deans and chapters of the two dioceses of St. Asaph and Bangor will be placed under different circumstances to those of other similar bodies, inasmuch as they will have no estates upon the revenues of which they may be supported, they will, nevertheless, be provided far more amply at the extinction of the bishopric, by receiving an allowance out of the diocesan fund—the deans of 1,000*l.*, and the chapters of 500*l.* or 600*l.* a year. In some of the Welch dioceses there are estates for the support of the deans and chapters; but in others there are no means of providing for them, ex-

cept by their holding parish livings *in commendam*. This of course will be taken into account, and the surplus will either go into the common fund, or the diocesan fund; but in the meantime, I have shown your Lordships that here are actual charges on the ecclesiastical funds in favour of the dioceses of St. Asaph and Bangor amounting to more than 5,000*l*., whilst the whole prospective amount that will hereafter be derived from that source to the diocesan fund, after the extinction of the bishopric, will be only 4,750*l*. Now, my Lords, considering that the dioceses of St. Asaph and Bangor will gain, by the changes that are to be hereafter made, a dean and chapter each—that they will also gain very considerably in the improvement of their parochial services, to the full amount of the suppressed sinecure rectories; that they will be placed on an equal footing with all the other parishes in England and Wales, in respect to the division that will be made of the common funds at the disposition of the Ecclesiastical Commissioners for the augmentation of small livings; I say, my Lords, considering all these things, no man can say that these two dioceses are not handsomely provided for. I now, my Lords, approach the consideration of that part of the question which relates to the inconveniences to be apprehended from the loss or suppression of these two bishoprics, and the substitution of only one in their place. I do not mean, my Lords, to say that there may not result some inconvenience when this measure takes place; but in my opinion this evil will be in a great degree obviated or remedied by the appointment of three archdeacons in addition to the deans and chapters, for whom provision is made, whose duty it will be to aid the bishop in the supervision of the diocese. This duty will, according to my apprehension, my Lords, be very sufficiently provided for by the creation of two deans, four canons, and three archdeacons. The diocese, when it shall hereafter become united, will not exceed in extent many of the other dioceses in England. The number of livings will not be so great as it is in many, and there are only four dioceses which will be smaller than that formed by the junction of these two. There has been some difficulty apprehended with respect to the means which exist of travelling from one part of the diocese to another; but it appears to me that this part of the country will soon present the same facilities in this respect that exist in other districts of England; and, as a greater number of persons will hereafter be employed in the task of supervising the ecclesiastical affairs of the diocese, I have no reason to apprehend that there will exist in future any just grounds for complaint on this head. Having now gone through the different grounds upon which I have deemed it to be right to maintain the decision to which Parliament came upon this subject, I trust, my Lords, you will not now afford any ground to the country for entertaining the belief that you are prepared to depart from the course which was recommended and agreed to by the leading men in this country, when the subject of the Church was taken into consideration by them—men, my Lords, I am bound to observe, of all parties and of every shade of political opinion. I have answered, to the best of my ability, the leading topics of my noble Friend's argument in favour of is proposal, and I now hope you will be of opinion with me when I move, which I now do, as an Amendment on the noble Lord's Motion, that this Bill be read a second time this day six months.

The Bishop of *Bangor* said, it was with great reluctance he rose to address their Lordships, and it was only in his capacity as the representative in that House of those who asked their Lordships' concurrence in the noble Earl's measure, that he requested to be heard. He had, indeed, so often spoken upon the same subject, that he feared their Lordships would not again listen to him. The noble Duke had now, as upon a former occasion, represented the Bill before the House to be a measure calculated to overthrow the whole of the arrangements which had been made with respect to the cathedral establishments and the Church livings, in consequence of the Reports of the Ecclesiastical Commissioners. Now, he must distinctly beg to say that the repeal of the proposed union of the two bishoprics of St. Asaph and Bangor would in no respect affect any other parts of the proposed changes in the Church. The establishment of the See of Manchester was what every one well affected to the Church desired, above all things, to have carried into effect, without waiting for the termination of the life of himself or his right rev. Brother of St. Asaph. It seemed to be the general impression that the creation of

the See of Manchester was a matter of so much importance as to render it expedient, if not imperative, to devise some means by which it might be immediately rendered an effective bishopric. With respect to the union of the two Sees of St. Asaph and Bangor, he must call upon their Lordships to listen to the prayers of the thousands who had petitioned against it, and particularly to the remonstrances and supplications of those who felt the deepest interest in it—the clergy of the dioceses of St. Asaph and Bangor. The noble Duke seemed to consider the question as one, in great measure, of pounds, shillings, and pence, in which the consideration involved was whether the two dioceses were greater gainers or losers in a monied point of view. But what he wished to impress on their Lordships' minds was the fact that the first wish and most earnest prayer of all the inhabitants of North Wales was, that both the sees might be preserved, and that sees which had existed during so many centuries, before even the See of Canterbury was founded, should not be absorbed one in the other. He was greatly indebted to the noble Duke for the obliging manner in which he had referred to himself and to his right rev. Brother of St. Asaph; but he must beg to remind the noble Duke that as long as he and that right rev. Prelate continued in existence, the calamity which was so much deprecated could not take place. The noble Duke had adverted to the circumstance that when the measure of uniting the sees was passed, there had been no opposition offered to it. It must, however, be borne in mind that at the period referred to, so strong was the feeling in the two Houses of Parliament in favour of all the measures recommended in the Reports of the Commissioners, that all opposition would have been worse than useless. He was ready to admit that none had been made at the time; but the fact was not the less notorious that from the very first it had been the uniform opinion of the clergy of his diocese that the union of the sees would in itself be a great evil; and this opinion they held in common with their bishops. The question of the surplus revenues arising from the union of the sees was then considered as of far inferior importance; and when the Report of the Ecclesiastical Commissioners recommended that this surplus should be appropriated to the augmentation of poor livings, the clergy throughout the two dioceses, who were to have the benefit of this arrangement were very far from considering the increase in their stipends to be a compensation for the loss which they were called upon to sustain. They looked upon this as a palliative, a something thrown in to reconcile them to the measure; and though they did not then openly oppose the change, still he must beg to state that in a communication which he had made in the year 1836 to the Ecclesiastical Commission, he had mentioned the objections entertained by himself and his clergy to the measure, on the grounds to which he now adverted. At last the feelings of the counties began to be strongly excited, and meetings were held at which it was unanimously agreed to petition Parliament to repeal so much of the Act as related to the union of the two sees. The noble Duke had alluded to the number of petitions which had come from other parts of the kingdom. In that they gloried, as a strong proof of the justice of their cause. So soon as it was known that they were anxious that the two sees should be preserved, they had immediately received the sympathy of the clergy, and of the laity likewise, in every part of the kingdom. The two Universities had also petitioned in their behalf. This was not merely a question of pounds, shillings, and pence; it was a cause which came home to their feelings. The noble Duke had fallen into some mistakes in his speech. He had stated, that the revenues of the Welsh sinecure rectories were to be given exclusively to the other clergy in Wales; but this was not so: they were to be thrown into the common fund, in the same manner as all sinecures. The noble Duke had spoken of the deans and chapters to be appointed in connexion with the sees. They had no desire to have them erected. They had gone on very well as they were, and wanted no change. There could be no difficulty in providing funds for the See of Manchester when created; and the other question regarding a seat in that House might be settled satisfactorily in some way or other. He entreated their Lordships not to be misled by the Notices of Resolutions that had been given by a noble Lord on the other side of the House (Lord Monteagle). No such measure as that adverted to by the noble and learned Lord was wished for so long as the sees were preserved. He recommended to their Lordships the humble and earnest petitions from his diocese, and begged their Lordships to mark the strong feeling which per-

vaded them. He trusted their Lordships would go along with the petitioners, and not give their support to the Motion of the noble Duke.

The Earl of *Winchilsea* would crave their Lordships' attention for a few moments. This was a question which not only affected the religious interests of that part of the country with which the noble Lord (Earl Powis) was connected, but it involved a question which required from them the deepest consideration—whether, in point of policy, they were pursuing a proper course for the purpose of establishing a Bishop of Manchester?—whether it was wise, for the purpose of obtaining the paltry income for a bishop, to do violence to the religious feelings of a considerable portion of their fellow subjects? As Christian legislators it behoved them to guard the religious interests of their fellow countrymen. He maintained that they were not justified in inflicting the smallest injury on the religious feelings of any portion of their fellow countrymen for the purpose of obtaining the greatest benefit. If a Bishop of Manchester were required, the appointment of one ought not to have been postponed so long for the paltry sum of 5,000*l.* a year, when at this moment England was so gorged with wealth that she was scattering her millions in the most profligate speculations. He wished there were more bishops established. It was a question of minor consideration whether or no they should have seats in that House. Instead of one new bishop, he wished that six new bishops were about to be established, and let them come into that House by rotation. The bishops sat in that House not as spiritual Lords, but as temporal Barons; and it would be no dereliction of principle if they were to agree that bishops should sit in that House by rotation. He admired the honest zeal of his much respected Friend who had brought forward this question. By the course he had pursued he had not only gained to himself the approbation of his own conscience, but the approbation, and esteem, and respect of the Church, and of every well-wisher of it. He begged the House to look at the question in all its bearings. These ancient bishoprics might be preserved at no expense of the income for the Manchester bishopric. There were funds enough in the hands of the Ecclesiastical Commissioners to endow the See of Manchester; and why, therefore, was the See of Bangor to be deprived of the benefit of a bishop, when they had it in their power immediately to concede to Manchester its bishop? He never gave a vote with more heartfelt satisfaction than he did that which he should give in support of the Motion of the noble Lord, which he sincerely hoped would be carried; and that Her Majesty's Ministers would not stand between that House and the Crown, and compel the Crown to take a course opposed to the wishes of the hereditary branch of the Legislature.

Lord *Monteagle* said, in the discussion which had taken place, no reference had been made to the most important of all guides on this or any other subject—he meant experience. Could it be shown that the Church of England had worked so satisfactorily in Wales, that a departure from the present system need be apprehended as likely to produce effects injurious to the Establishment? Whatever claims the Church might have to their regard elsewhere, in North Wales it had not been successful; it was to be reckoned as a great misfortune that dissent had there increased to such an unparalleled extent. In no part of the United Kingdom had dissent made such progress as in the Principality. A century back there were only thirty-five Dissenting chapels in the whole of Wales; in 1810 there were 954 such chapels, and in 1832, 1,428. He believed that no one acquainted with the Principality would contradict him, when he asserted that at the present moment the Church in Wales was the Church of the minority of the people. What was the cause? Simply this—that the interests of the parochial clergy and the parochial system had been sacrificed to the episcopal system; the revenues of the local clergy had been absorbed in order to increase the incomes of the bishops. They had heard much of the antiquity of these sees; he would not exclude their antiquity as an element in the consideration of the question; but it was by their efficiency for the purposes of Church government and by the real interests of religion, that these sees should more properly be judged. Ancient as they were, still the present mode in which they were endowed, was not of that remote antiquity which might be supposed. He would call their Lordships' attention to the mode in which they had at different times been endowed. He believed the bishops of England, in the discharge of their own duties, relied very mainly on

the archdeacons; but in North Wales the archdeaconries had been in a manner extinguished, by being consolidated and united with the bishoprics; the very resources of the bishop had been wrested from his hands for the purpose of endowing the bishopric itself. It was an old phrase, that the archdeacons were *oculi episcorum;* but here the eyes of the bishop had been put in his pocket, instead of being made use of to assist him in the discharge of his functions. Again, many parishes had been withdrawn from the effectual superintendence of the parochial minister: they were not left in the position they would be if the bishopric had had been endowed in a different manner. These parishes might have perpetual curates or stipendiary curates; but these could not be the substitute for a resident parochial minister. He had stated that the additions to the bishoprics were not so ancient as had been supposed; in Bangor, some parishes had been annexed to the see as recently as 160, when the reason alleged in the recitals of the Private Bill that effected the union, was the small amount of the episcopal revenue. This argument could not now be urged. Such was the mode in which the working or parochial clergy had been deprived of the income that more properly belonged to them than to their bishops; it was to this fact that the failure of the Church of England in Wales was to be very mainly ascribed. North, and, to a certain extent, South Wales, had in former times been hardly dealt with; not only had the parochial tithes been wrested from many of the parochial clergy for the endowment of the sees, the same course had been taken by other public bodies, and had thus been the means of inflicting a similar wrong on the Principality. For the endowment of the diocese of Lichfield, a considerable portion of the parochial revenues had been taken from North Wales, and the same spoliation had been effected for Jesus and Christ Church Colleges, Oxford. The noble Duke had argued, that no positive engagement had been entered into to apply the funds in the hands of the Commissioners to the parochial clergy. But, at the period the Commissioners made their first Report, there was no expectation whatever of a surplus upon the episcopal fund like that which it exhibited at present; still less did they expect the greater surplus which future events might produce. They now had a surplus of 6,000*l.* a year: could it, then, be necessary to take the revenue of one see of North Wales for the endowment of the new bishopric of Manchester? The question was, having that surplus, whether it was not better to use it in the one way than in the other? He intended, in his Resolution, to go as far as the Commissioners went in 1835, and not a point beyond; and surely there was no great danger to the Church in adopting this course when the recommendation bore the signatures of the Metropolitan, of all the Ecclesiastical Members of the Church Commission, of Sir R. Peel, of Mr. Goulburn, the noble and learned Lord on the Woolsack, of Mr. W. W. Wynn, and of other individuals whose opinions were entitled to the greatest consideration. He would now bring under the attention of their Lordships the state of the parochial clergy in North Wales. In the Isle of Anglesea there were seventy-five parishes, including nineteen benefices without a resident minister; there were nineteen parishes served by six ministers, of whom one travelled fourteen miles every Sunday; another served two churches and travelled ten miles; a third served two churches and travelled eight miles in the course of every Sunday.

The Bishop of *Bangor* said, the noble Lord was reading from a book published twelve years ago, the inaccuracies of which were known to every one in the diocese.

Lord *Monteagle* said, the work had been so far received as an authority that it was a prize essay, and had gained a medal from a public society. But if this was objected to, he could refer to another authority to be found in a work published by an hon. Friend of his own, a gentleman connected with the representation of the Principality, which gave a similar description of the state of the clergy. In Anglesea, which his hon. Friend (Mr. O. Stanley) represented, there were thirty instances of two churches under the care of one clergyman each; in some cases there were three churches under the care of one minister; scarcely in fifteen out of twenty-eight were there two services in the same day; in eight of these parishes, with a population of 12,000, the tithes were not vested in the minister, but allocated as part of the property of the see. The whole of the sinecure rectories did not amount to less than 8,000*l.* or 9,000*l.* a year; if 4,000*l.* of this amount were applied to the spiritual wants of North Wales, a step towards doing justice to it would be made. To make the

Church efficient in North Wales, they must re-establish the parochial system, and put the ministers in their proper position —of instructors of the people; that was the essence of the question; till they did that, all their arrangements with respect to the sees would be ineffectual for the real instruction of the population. He had omitted any notice of that class of persons who maintained from the first, that the legislation founded on the Report of the Ecclesiastical Commission was unjustifiable, on the ground that Parliament had no right to legislate for the Church, except with the approval of the Church itself. This he emphatically denied. If this were true, the whole course of legislation from the time of the Reformation to the present period had been but one series of usurpation on the rights of the clergy. He respected our admirable system of episcopacy; but it was one thing to respect it, and another to look up to it with a sort of superstition.

Lord *Brougham* said, he should give his vote for the Motion of the noble Duke, and against the second reading of the Bill. He should do so from a full consideration of the subject in the manner presented by the noble Duke, and from a consideration of the Report of the Commissioners. With respect to the plan of his noble Friend (Lord Monteagle), that was totally wide of the consideration of the present measure; and, whether he should be disposed or not at a future time to support it, that was not the present question. The Motion before the House was the second reading of the Bill, and against that, as he had before stated, he should give his vote.

The Bishop of *Salisbury* agreed with the noble and learned Lord, that the course pursued by the noble Lord who spoke last but one (Lord Monteagle) had diverted the attention of the House from the subject really before it. He sympathized most deeply in all that the noble Lord had said with respect to the privations of the parochial clergy in some parts of this kingdom, where the tithes originally intended for their support and sustenance had been diverted to other hands. It did not appear to him that the evil and grievance of such a diversion of the tithes was greater in a case like the present, in which the tithes had been appropriated to the support of a bishop, than in those in which they were in the hands of other ecclesiastical persons, or, as was the case in the greater number of instances, in those of lay impropriators—or rather of the two, the violation of right principle was far greater in the latter case, which the noble Lord would leave untouched, than in this to which he was disposed to address himself. If the noble Lord were prepared with a Motion to bring the whole question of impropriate tithes before the House, he (the Bishop of Salisbury) should deem it well worthy of their Lordships' best attention. What would be the effect of that consideration he would not venture to say, but he did not believe that any full deliberation upon so important a subject would result in such a partial application of a remedy as that which the noble Lord now proposed. If the Legislature dealt with the subject, it must act on some principle. They could not deal with the tithes of Bangor and St. Asaph on a different principle from that on which they acted with reference to other dioceses. He had a right to ask what the principle was which the noble Lord was prepared to lay down. Would the noble Lord say that he would deal with ecclesiastical impropriate tithes, and not with lay impropriate tithes? He did not believe that the noble Lord would succeed in showing such a clear distinction between impropriate tithes in the hands of the laity, and those that were in the hands of ecclesiastics, as would justify him in proposing to deal with each in an entirely different manner. But suppose this distinction were admitted, what distinction would he be able to show between impropriate tithes in the hands of a dean and chapter, and those in the hands of a bishop? Were deans and chapters to be allowed to retain the impropriate tithes in their hands, while the bishops were to be despoiled? Did not the noble Lord know that very many cases could be shown of large parishes, the tithes of which belonged to deans and chapters, in which the provision for the parochial clergy was no less inadequate than in those parts of North Wales to which the noble Lord had referred? Was he prepared in these cases to bring in a Bill to remedy the particular grievance where it was shown to exist? And if not, how could he urge upon their Lordships to proceed in a different manner in respect of North Wales? But suppose for the sake of argument that a distinction were allowed to exist between lay tithes and ecclesiastical; and, again, between those belonging to deans and chapters, and those in the hands of bishops, what would the

noble Lord say to the impropriate tithes in the hands of the bishops generally? Was he prepared to say that it was right to deal with impropriate tithes in one bishopric in a different manner to that with which he would deal with them in another? He believed that there were many bishops who possessed a great amount of impropriate tithes. He thought it was an evil. It was an evil which in its present extent dated from the time of the Reformation; and was in a great measure the effect of an Act, which he had always considered to be a most iniquitous Act of Parliament, passed in the first year of the reign of Queen Elizabeth, empowering the Sovereign, on the vacancy of any see, to take into her own hands any portion of the manors and lands of bishoprics on making remuneration out of impropriate tithes which had come into her hands by the dissolution of the monasteries. That was the cause of so many impropriations being in the possession of the bishops of the present day. He believed that the see of his right rev. Friend (the Bishop of Lincoln) was endowed with impropriate tithes to no less extent than either of these Welsh dioceses. And would there then be any appearance of sound principle in applying a completely different rule to two cases altogether of the same character? He feared that the noble Lord would say that this clause had been recommended in the first instance by the Ecclesiastical Commissioners. But he begged to remind the noble Lord, that though such a suggestion was hastily thrown out in the first Report made by those Commissioners, they afterwards changed their opinion on fuller and more mature deliberation, and embodied the result of their final judgment in the Bill proposed to the Legislature, which did not contain any provision of this kind. He had been led to say thus much in reply to the observations of the noble Lord. With respect to the subject now before the House, he did not intend to go in any detail into the arguments in favour of the Bill of the noble Earl. He had done so on former occasions, and would not now repeat what he had then said. He saw with satisfaction in each succeeding discussion some progress towards that result which he believed to be right and just. On former occasions pecuniary difficulties had been dwelt upon. It was now freely admitted that no obstacle of this kind could be shown to exist. He did not indeed think this was a question of a mere pecuniary consideration. The noble Duke had not looked at it in that point of view. He had heard some of the noble Duke's remarks with great satisfaction; but he thought the noble Duke was disposed to treat the question too much as one of a mere local character, and on this ground to detract from the weight of the petitions which had been presented in favour of this Bill from persons not locally connected with North Wales. The noble Duke thought that such parties must have acted not from their own judgment, but from the instigation of others. But he (the Bishop of Salisbury) would venture to suggest to the noble Duke what he believed to be the true solution of those petitions. The petitioners knew that they were members of a body of which, if one member suffered, all the members suffered together with it. Therefore they came forward now to support that member which was suffering under oppression and wrong, no less readily than if the injury were done to themselves. They did this under a strong conviction—it might be an erroneous conviction, but he believed it was deeply felt by the great body of the clergy, and shared in by a large portion of the laity—that no greater wrong or injury could be inflicted on any portion of the Church than to be deprived of the aid and superintendence of those whom the members of that Church had been accustomed to look upon as their spiritual heads. The clergy felt already that the existing system of the Church gave them too few opportunities for holding communication with those placed over them, and with whom they would be glad to have greater facilities of intimate intercourse. They believed that this would tend to strengthen their hands and increase their usefulness; and therefore it was that they had petitioned for the preservation of these bishops in that part of the country where they had been so long established, and also for the establishing of bishoprics in those populous districts which had not hitherto enjoyed that privilege. He hoped that the petitioners would meet with the sympathy and support of their Lordships. Their request and hope was that their Lordships and Her Majesty's Ministers especially might be induced to take into consideration the means of making such a moderate, reasonable and practicable addition to the episcopal body of this country as its increased population demanded. The necessity of this was felt by all; and he believed there were means existing to effect it with-

out imposing any additional burthen on the public funds. He was yesterday reading a book written by a gentleman whom he was proud to call a valued friend of his own, and who had been thought by Her Majesty worthy of high promotion in the Church—he meant the Venerable Samuel Wilberforce, who was shortly, he believed, to be Dean of Westminster. That book was the history of the American Church; and he saw much in it which afforded an instructive lesson in reference to the question before their Lordships. It was instructive to see how the Church in that distant country had flagged and well-nigh expired for want of that episcopate which it was now wished to preserve and to extend at home. It was instructive to see how the wisest and best men in America, year after year, petitioned this country for that boon which should not have been withheld from them; and how a pious Queen (would that there might be an omen in this!) took into her Royal heart to attend to their petitions, and had wellnigh carried measures for fulfilling them. It was instructive to see how worldly statesmen, such as Walpole—Oh, that the statesmen of the present day might not prove like them!—turned a deaf ear to requests of that kind, caring little for what seemed to have a bearing only on spiritual things, and turning their attention to nothing else but immediate and temporal advantages. It was sad to see how they deferred, and obstructed, and delayed, and finally defeated every attempt of that kind. It was instructive to observe how the members of the Church in that country were mostly well-disposed and loyal subjects, giving no great trouble to their governors; and therefore perhaps it was thought that there was no very urgent necessity to attend to their requests, and so they were left unheeded; how there were many sectaries who were turbulent and discontented, and therefore it was thought important to conciliate and flatter them. And so true religion was disregarded, and schism encouraged; Statecraft flourished, or seemed to flourish, and the Church decayed, until the day of retribution came. And then in that hour of England's agony—in the day of shame, and degradation, and dismay, they reported too late that the seed of true loyalty had been so sparingly sown, and that they had failed to bind together the hearts of men in those bonds which have ever been found the best security for social order and a biding peace. It was instructive, again, to consider how that Church revived from a state almost of dissolution; not by the wisdom and help of man, but under God, through her own native and divine energy, when she had obtained that complete form of constitution in which she had existed from the time of the Apostles, and which we hold to be essential to her perfect state; and now it was delightful to see how that Church was as "a city set on a hill," a tree taking root downward, and bearing fruit upwards. A Church with 22 bishops, and upwards of 1,200 clergy, the fairest and best daughter of her spiritual mother in England. The history of the Church in America, and the present condition of it, taught them a lesson which had indeed been given to the Church of old by high authority—a lesson which was needful for the Church to remember in every age—perhaps never more needful than in the present day. It was the lesson—"Put not your trust in Princes," no, nor in their advisers—"for there is no help in them." He would venture to bring this lesson to the remembrance of the members of the Church, and of its ministers especially. He would say, "Put not your trust in these: but put your trust, under God, in pure doctrine, in holy living, and in united counsels—and then if statesmen fail you, as fail you they most probably will, you will have a surer trust, a better confidence, a more abiding security in the hearts of the people, and in the protection of God."

Lord *Stanley:* I need hardly say that the high personal character of my noble Friend who has introduced this Motion, and the deep, and no doubt sincere energy with which the right rev. Prelate has supported him, would entitle it to the most respectful attention, even if it were not supported by the assent of many of your Lordships, and by the almost unanimous concurrence of that right rev. Bench, and, I am bound to admit, by a great portion of the public opinion out of doors, on the part of those most sincerely attached to the Church, and interested in its welfare; and yet, whatever may be the weight of authority in support of this measure, Her Majesty's Ministers, who have a duty to perform, are bound by higher considerations not to defer to any authority however high—to any talents however distinguished—or to any character however estimable; or to support, in deference to that authority, a measure which they believe not to be advantageous to the best interests of the Church. My Lords, it is an old warn-

ing, and one which should not be forgotten now—

> "Evertere domos totas optantibus ipsis
> Dii faciles."

Shall I go on with the quotation?

> "—— Nocitura togâ, nocitura petuntur."

We are not to be led, even by our respect and reverence for that Bench, to sacrifice those measures which we believe to be best for the interests—the real and permanent interests of that Church to which we owe a deeper affection—a still stronger reverence; nor to consent to a measure, however plausible it may appear, and by whatever arguments it may be supported, which seems at present attended with inconvenience, and probably with future danger to the interests of that Establishment. I agree with the right rev. Prelate who has just sat down, and the right rev. Prelate who spoke earlier in the debate, that this is not a question of pounds, shillings, and pence, but one that involves far higher considerations. It is not a question to be looked at with local considerations, and with reference to local interests merely. It is a question to be looked at for the interests of the Church, not in its temporal, but in its spiritual capacity, for the promotion of religion—for the general diffusion of religion and of religious knowledge—for episcopal superintendence in the best possible way—and for the most equitable distribution that can be made of the benefits, duties, and emoluments of the several prelates of that Church. I throw aside all the advantages I might derive from the objection that this measure has not received the previous sanction of the Crown. I will not argue the question whether it is necessary for the purpose of endowing the See of Manchester, that further funds should be provided. I will admit, for the sake of argument, that the funds now in the hands of the Ecclesiastical Commissioners are sufficient for the endowment of the See of Manchester without deriving anything from the Sees of St. Asaph and Bangor. Setting aside all these considerations, I will still maintain that it is desirable for the good of the Church, and for the religious interests of this country, that the Sees of Bangor and St. Asaph should be united for the purpose of a more equal distribution of its revenues and religious duties. Having gone thus far, and having admitted that there is a surplus in the hands of the Ecclesiastical Commissioners, probably sufficient to endow the See of Manchester, although it is liable to some future contingency, I must call your Lordships' attention to a question with respect to the application of that revenue to the endowment of that see. Suppose that instead of the sum of 5,000*l.* a year, which you now have, and which you can apply to the endowment of the newly created see, it increased in a few years not to 10,000*l.*, but to 15,000*l.*, not to 15,000*l.*, but to 20,000*l.*, would you wish now to lay down the principle that all future surplus was to be applied to the purpose of increasing the number of bishoprics? ["Hear, hear!"] Well, but that is a very grave question; and we should understand it before we give our votes for the Motion of my noble Friend. The right rev. Prelate who spoke last said that this was but a small part of the original measure; but I differ in opinion from the right rev. Prelate in that respect; for I think it lies at the root of the whole arrangement which successive Commissions and successive Governments have recommended to Parliament, and which has been sanctioned by successive Acts. Let me ask your Lordships to go back to the period, and consider the circumstances of the Commission of 1835. It is stated that there is now no apprehension on the part of the Church; that it stands high in the estimation of the people, and has nothing to fear from external enemies. I hope and believe that is the case; but look at the period previous to 1834. You will not deny, that previous to 1834 and 1835, there was throughout a large portion of the community of this country a great and growing hostility to the Church, arising from a sense that the Church did not adequately fulfil those high and holy purposes to which it was dedicated, and did not make the best use, for the spiritual instruction of the people, of those revenues with which it had been endowed for those spiritual purposes. That state of the Church was viewed with triumphant exultation by the religious and political Dissenters; and it was viewed with alarm by the best friends of the Church, who were obliged to confess with shame the manifold deficiencies of that venerable body, owing, no doubt, to the change of circumstances in various parts of the country; the means of the Church, in some places, being inadequate and insufficient to discharge the duties, while in others its enemies pointed to the enormous endowments of certain dignitaries, and certain portions of the Establishment. If additional aid to the Church was called for, the answer was, the Church ought to respond to the call, and make the best use of the means at her disposal. Under

these circumstances, the Commission was issued by no unfriendly Government—by the Government of my noble Friend (the Duke of Wellington), and of my right hon. Friend now at the head of the Government. It was composed of some of the most eminent prelates of the Church; and they, without a dissentient voice, I believe, came to the conclusion that it was essential for the purposes contemplated that these sees should be united. For what purpose was the Commission appointed? The words under which the Commission was appointed were well-considered words, having been introduced into the King's Speech, and repeated *verbatim* by the Minister of the Crown. What was the charge thrown upon that Commission, and what was its object? With regard to the bishoprics, they were to consider the state of the several dioceses in England and Wales, with reference to the amount of revenues, and the equal distribution of episcopal duties. They were to look into the condition of the cathedrals and the cathedral offices, and to consider how means could be best provided for the cure of souls. What was the first and leading principle laid down by that Commission? This,—

"We are not prepared to recommend any increase in the total number of the episcopal sees; but we are of opinion that, by the union of certain existing bishoprics, of which the combined duties will not be too onerous to a single bishop, by the erection of two new sees in the province of York, and by the transfer of districts in some dioceses to others, arrangements can be made for the general performance of episcopal duties more satisfactorily than at present."

The object is the equalization of the distribution of the revenues, on the one hand, and of the duties on the other; and the Commission proceeded by laying down this principle, that they were not about to recommend the augmentation of the number of sees; but the whole of their recommendation was founded on this, that the number of sees was to remain unaltered. Therefore, though this is a small part of the arrangement, it is one that lies at the root of the whole scheme. You cannot touch it without condemning—I was going to say stultifying—the whole arrangement, which scarcely left any see untouched—only three at least were untouched—Chichester, Exeter, and Winchester; for in the last there was but very little change made. With those exceptions, every see in England and Wales was altered in various respects. One, indeed, may be said to have been virtually suppressed. The Diocese of Rochester originally consisted of a considerable portion of the county of Kent, and of that alone. What was done? Why, the whole of Kent, with the exception of the city of Rochester itself, was taken from the see, to which were added two entire counties, Essex and Hertford. Nay, the bishop's residence itself was removed without the limits of the former diocese; and the city itself was retained, by an inconvenient arrangement, as part of the new see, apparently with the object mainly of avoiding the suppression by name, except in a case of absolute necessity, of any existing see. Yet these Commissioners, with this obviously strong feeling on their minds, unhesitatingly recommended the consolidation of the Sees of Bangor and St. Asaph. We may be told that the Commissioners subsequently changed their opinions. Upon some points they did. But upon this question—the union of the Sees of St. Asaph and Bangor—neither the Commission, nor Parliament, nor Government, has ever altered an opinion. It was the same in the year 1835, under Sir R. Peel's Government; in 1836 under Lord Melbourne's Government; and so downwards until the Order in Council of 1838. Neither doubt, nor change of opinion as to the propriety of uniting those two sees, was expressed. It is true that two new sees were created in consequence of the recommendation of that Commission. Mark how the facts of the case destroy the invidious character sought to be thrown upon this union of the two sees—that it is for the purpose of endowing Manchester! The Order in Council which consolidates the sees of Bangor and St. Asaph devotes the whole of the proceeds derived from the consolidation of those sees, not to Manchester, but to two other Welsh sees—Llandaff and St. David's. I admit that according to the principles laid down by the Commissioners, Manchester could not have been founded without the consolidation of St. Asaph and Bangor; nor could Ripon, without that of Gloucester and Bristol. Every Commission was of opinion that the Sees of Ripon and Manchester should be founded, and that four of the least considerable sees should be consolidated into two, for that purpose, without increasing the number of bishoprics. Upon no occasion has there been a moment's hesitation or doubt as to the propriety and necessity of consolidating the Sees of Bangor and St. Asaph, more than there was with regard to Gloucester

and Bristol. Right or wrong, the Commission reported that the number of sees ought not to be increased; and whatever advantages might be obtained by an increase would be far outweighed by the obstacles and hostility you would arouse against the Church—the political disadvantages would greatly overbalance any advantage derivable from the increase. I adverted to the hostility against the Church in 1834; I point with great satisfaction to the improved position which that Church now occupies in public opinion; and to what is it owing, but that for the last ten years all parties, friends and opponents, have seen the Church zealously and actively applying its means to the best purposes—for the support of its religious institutions, and for the augmentation of its spiritual efficiency? They have seen her cutting down superfluities here, for the purpose of supplying deficiencies there; they have seen her clergy more concerned for the spiritual welfare of their flocks than for the political advancement and ascendancy of that Church. Now, depend upon it, it is not one more bishop that is contemplated; no, a right rev. Prelate who spoke early in this debate has frankly avowed — and I thank him for it—that if the principle be admitted, it is not one prelate now, but it is (to use his own words) a reasonable and moderate increase of the number of the episcopate; and I ask you, my Lords, to consider carefully the impression which will be made upon the public mind by the declaration that now, turning aside from that wise, and judicious, and moderate course in which the Church has been engaged for the last ten years, there is to be an attempt to increase, not the spiritual influence, but the political power of the Church. [*Cries of* "Hear, hear!" *and* "No, no."] My Lords, you may say "No," but you may rely upon it that the proposal will be ill received to place another, and another, and another bishop in this House. ["No, no."] The noble Lord must take one alternative; there are but two courses. You must have an increase of the number of the bishops, who are to have seats in this House; and, if so, you will have an increase of the political power of the Church, and a still greater suspicion of an attempt to increase it: or you must take the other branch of the alternative, and have an increased number of bishops; but some of them, in some way or other—no one has explained how—the bishop of this see, or of the junior see, or of the three or four junior sees for the time being, to be excluded from the privilege of a seat in your Lordships' House. ["Hear!"] I conclude, from the cheer given me by my noble Friend opposite, that this latter is the view. I see in it great danger. My Lords, I trust the right rev. Bench will forgive me if I speak plainly and frankly; for this is a question upon which one must speak out. There are many good and wise men, at all events many religious and Christian men, who think it would be far better for the interests of religion that that right rev. Bench had no place in this House. My Lords, I am not of that opinion; I value very highly the weight and the influence, and the authority which that Bench gives to the proceedings of your Lordships' House; and I value them not the less, and I express that opinion not the less freely, when I know that I am about, upon this occasion, to encounter the opposition of a great portion of that Bench; but I cannot conceal from myself that the political advantage—the advantage to the State, which is gained by the presence of that right rev. Bench (of whom I see so many now in your Lordships' House), great as it is, is purchased by a certain degree of disadvantage in the abstraction from the duties of their dioceses which necessarily follows upon the discharge of their secular duties in this House. Let my noble Friend consider the consequence of this proposal. Suppose it should happen that the Bishop of Manchester—a bishop about to be created in the middle of a populous diocese, which has long felt the want of episcopal superintendence—should for the first year or two be indefatigable in the discharge of his religious duties—never absent from his diocese, constantly mixing with the clergy and with the population—suppose that this should continue so long as he had no seat in Parliament, and that at the expiration of two or three years, taking his place in this House, and being a man of ability, and zeal and character and talent, performing a distinguished part in Parliament, he should be drawn more and more into the discussion of political affairs, and be separated more and more from the superintendence of his diocese, and the discharge of the religious duties pertaining to it—do you think that would have no effect upon the public opinion, which at the moment, perhaps, may be inclined to hold it far better that the bishops were separated from politics, and entirely confined to the business of their dioceses? But, my Lords, go further; suppose that it should not be the Bishop of Manchester alone who

should be excluded from a voice in your Lordships' House, but that upon each diocese, separately, and successively, the same experiments were to be tried, and the same results were unhappily found to be the consequence; I ask you could you take a step more effectual for the purpose of spreading the opinion to which I have referred as backed by the religious feeling of many persons in this country? Could you take a step that would tend more to endanger the stability of the place of that right rev. Bench in this House, which I, for one, upon political considerations, so highly value as I do? These are matters, my Lords, which we ought well and carefully to consider, before we consent to augment the number of the bishops. At all events it should be well understood upon what principle you are about to proceed; whether you are about to augment the number by one, or to follow that up by two, or three, or four or five. For my own part, I will frankly avow, that if at this moment we were free to act, and to augment the number of the bishops, and instead of twenty-six, to have twenty-eight, or twenty-nine, or thirty (and I admit that there may be considerations so powerfully, so overwhelmingly important, as to override all those political considerations, to which, however, I attach great importance); if at this moment it were *tabula rasa*, I confess my own honest opinion to be, that if you were to proceed upon the principle laid down by the Commission of equalizing episcopal duties and revenues, the Sees of St. Asaph and Bangor ought to be consolidated, even though you increased the number of the bishops. I know that right rev. Prelates and noble Lords have spoken of the antiquity of those sees; but I do not know that there is anything more sacred in Bangor or St. Asaph than there was in Bristol or in Gloucester; and of this I am sure, that there is nothing more sacred in the maintenance of an episcopal see here, or an episcopal see there, than there is in the due diffusion throughout the country of episcopal superintendence, and the equalization of the duties which press too hardly upon some of the prelates, and must sit lightly upon the shoulders of others. Remember what was the object—the better distribution of revenues and of duties; I know how unwelcome it is at such an hour as this to trouble your Lordships with figures, but I am compelled to bring before the House a few, for the purpose of showing how the case stands with regard to labours in the separate Sees of St. Asaph and Bangor, and in the united see as compared with other dioceses. Let us take any test that you please, the principle being, to come to an approximation to equality of duties. Take the number of benefices, or the number of population, or the acreable extent of the diocese; for although I must contend that the last is, with regard to the duties of a bishop, the least important element of consideration, I admit that it is an element Under the former arrangement, I think we have no returns of the acreable contents of the different dioceses; we have with regard to the new distribution. But with regard to benefices, I find the average of the whole of England and Wales, according to the former arrangement, gave 418 to each bishop. Lichfield and Coventry had 606, Exeter 632, York 891, Norwich 1,021 Lincoln 1,234; and how many had St. Asaph? It had 131. Bangor had not so many; it had only 124. In the total number of the dioceses, ranging them with reference to the benefices, (a most imperfect test, by the by,) they stood the 23rd and 25th upon the list of the 26 bishoprics. Now let us look at the population. The average amount of population, taking all the bishoprics, was 558,000. In Norwich there were 690,000; in Exeter 793,000; in Lichfield 983,000; in Winchester 729,000; in York 1,463,000: in London 1,688,000; and in the single diocese of Chester 1,902,000, being double the population of all the four dioceses of Wales put together. What was the population of St. Asaph and Bangor? That of St. Asaph was 197,000, and that of Bangor 153,000; and the two united were 350,000; being very little more than three-fifths of the average of all the dioceses in England and Wales before those sees were united. Now, according to the new arrangement, how does it stand? Why, the average number of benefices is 418; and St. Asaph and Bangor united comprise 255. I say that is a fallacious test, because in Wales it is notorious that the number of benefices bears a much larger proportion to the population, than in most of the dioceses of England. In Chester, for example, even according to the new distribution, there is one benefice to 1,880 of the population; in Durham one to 3,000; in Ripon one to 4,800; in London one to 7,000; but in St. Asaph and Bangor, under the improved distribution, approaching to equality, there are but 1,341 individuals to each benefice. Remember, too, that of that population one half are stated to be Dissenters; that so far as the

supervision of the clergy and bishops goes, the population of this diocese must be divided by two to give a fair estimate of the amount of duty to be performed. Then, with regard to the population, the average of all the dioceses is 558,000; and what is the population of the united dioceses of St. Asaph and Bangor? Why it is 339,450. And yet, avowing that you proceed upon the principle of equalizing the distribution of the labours of the bishops, you are now to take two dioceses, which when united stand almost the lowest on the list in regard to population, and in regard to benefices, and for the purpose, forsooth, of this equalization, to divide into two these, which together form the smallest and least important of the sees; while you leave Exeter, and Lincoln, and Norwich, and London, untouched, with the enormous weight of population and benefices pressing upon them. Now with regard to area. Even including the item of acreable contents, there are no less than four of the dioceses in this country which, after Bangor and St. Asaph shall have been united, exceed that united diocese in all the three elements of acreable contents, of number of benefices, and of amount of population. Why, if you are to increase the number of bishops, and are not to be bound down by the rule which bound both sets of Commissioners, I should like to see some noble Lord arguing the additional advantage of dividing St. Asaph and Bangor (supposing them to be united), over the advantage of dividing the diocese of Exeter, and providing additional superintendence there. We speak about the unfortunate condition of Wales; but I would ask whether it is from any want of episcopal superintendence, or of deans and chapters, and canons, and other higher orders of the Church, that Bangor and St. Asaph are in that lamentable state with regard to the prevalence of dissent which has been so forcibly laid before us? Why, the labours of the bishop of the united sees will be lighter than the labours of almost any one of the bishops in England and Wales. And yet, when we consolidate these two sees, we are told that by our withdrawal of episcopal superintendence we are injuring the prospects of the Church, standing in the way of the religious instruction of the people, and pandering to the encouragement of dissent. Why, dissent, forsooth, reigns rampant throughout the two dioceses which have been blessed with the greatest amount of episcopal supervision; and it will not be by the increase of episcopal supervision that dissent will be checked. I admit with a right rev. Prelate that this is not a question of pounds, shillings, and pence. I agree with my noble Friend who addressed us the other night, although his observation was much commented on, that this is not a question on which you can separate Wales from England; I agree with the right rev. Prelate who has just down, that you must deal with St. Asaph and Bangor as with a diocese in England; and I hail that admission, because it is that upon which I desire your Lordships to proceed—namely, that in the consolidation of the whole episcopal staff of England and Wales, you should so arrange the whole as to distribute the burden and the emoluments with tolerable equality. But even if we were (as I am not prepared to do) to sanction a repeal of the union between England and Wales, and to say that Wales is to have a separate fund of its own, and distribute its own income among its own clergy upon a different principle from that adopted in England, that will not serve my noble Friend's turn, because he must not only repeal the union between England and Wales, but the union between North Wales and South Wales. He must contend that North Wales is to keep all it has got, and South Wales to get what it can from somewhere else. I do not understand that principle of distribution, by which everybody is to gain, and nobody is to lose anything. I do not know upon what principle my noble Friend could ask Durham to sacrifice 11,000*l.* a year, and not to apply 1*s.* of that to its own curacies and the wants of an increasing population. And here let me remark, that I have been arguing upon the population data of 1831, whereas we are speaking in 1845, and the disproportion has enormously increased. My Lords, I say that if you are to adopt the principle that Wales is to be separated altogether from England, then upon the whole, if you take episcopal revenues, and that which is called the common fund, or if you take either of the two, Wales would not be a gainer, but a loser, by the adoption of the principle for which my noble Friend contends; because, upon a distribution of the balance of either fund, Wales—I do not say North Wales merely—will receive a larger amount than it will pay into the fund. With regard to the episcopal fund, there is taken 4,750*l.* from the dioceses in North Wales, but the same sum has been paid to the dioceses in South Wales, and at this moment one of these dioceses is deriving an augmentation of 1,600*l.* from the common fund, which is the fund of

England, and the common fund of Wales has not yet subscribed 1*s.* to it. But take the common fund generally, and not the episcopal fund, there has been taken from Wales 1,950*l.*, but there are charges payable to Wales, and actually in course of payment, to the amount of 3,430*l.*; and when ultimately the whole balance shall be struck, Wales will be found to have contributed 7,500*l.*, against a payment to it of 8,280*l.*, the fact also being that there are now plans under consideration for the augmentation of small livings from the common fund to the extent of 3,000*l.* My noble Friend said something about distance; but there is now a railroad in progress between St. Asaph and Bangor, bringing them as near as Manchester and Liverpool. One word with regard to the sinecure rectories. The 3rd and 4th Victoria, c. 113, s. 55, provides for the annexation of lands or tithes to rectories, where expedient. The first charge upon those sinecure rectories, which at present contribute nothing to the service of religion, is to provide for the spiritual wants of those parishes from which they are taken. I do feel, my Lords, that this whole question is one of serious and vital importance; it involves far more than the consolidation of these two bishopries, or even the endowment of another. The question is, will you now, after the lapse of ten or twelve years, set aside the whole principle of a great and complicated arrangement, which, whatever may be its defects, has worked well for the public and for religion? An arrangement which, if you will allow it to be carried out by the Ecclesiastical Commissioners, will remedy the spiritual destitution that at present exists, will confer great benefits on the community at large, and will supersede what has been admitted on all hands to have been a great and serious evil to the Church, the temptations to repeated translations, exposing the bishops to the charge of subserviency to the Minister of the day, and at all events transferring them from one district to another for the purpose of enlarging their emoluments. If you leave the matter in the hands of the Ecclesiastical Commissioners, you will remedy the evils which, in former days, have been allowed to creep in of permitting the archdeaconries to became merged in the endowments of the bishops; you will restore the archdeaconries of St. Asaph, of Merionethshire, of Montgomeryshire, and of Bandon; you will allow what my noble Friend has rightly called the "eyes of the Church" to be multiplied, and the supervision to be thereby increased; you will confer a great and lasting benefit on the interests of the Church and of religion; and I cannot too earnestly entreat your Lordships not rashly to interfere with the existing arrangements. I entreat you not again to rouse that hostility to the Church which is now, thank God, dormant, and which will lie dormant if you allow the Church to exert her own rights, and extend her own usefulness. I hope that you will not again raise the question of Church Ascendancy. I entreat you not again to raise all the other complicated questions which have been set at rest by this Bill; but above all I ask you not to consent to a redistribution of the sees, not by diminishing those of Lincoln, of Chester, or of Norwich, but by increasing to a frightful and almost to a ludicrous extent the labours and the comparative differences between the different sees, an assimilation in which was one of the first objects of the Commission. I have to apologize to your Lordships for the time I have occupied; but I commend the subject to your Lordships' attention. I know not what the result of this division may be; but I never gave a vote which is given with a more conscientious conviction that it is given in support of the great religious and political interests of this country, than when I oppose the Bill of the noble Lord, however powerful may be the arguments, and however estimable may be the authority with which it is submitted to the House.

The Bishop of *St. David's* said, if he nad risen under ordinary circumstances to address their Lordships, on a question which had been so often discussed, it would have been with extreme reluctance; and their Lordships might be sure that reluctance was not diminished when he found himself under the great disadvantage of following the speech of a noble Lord so experienced in debate, and of such commanding powers of reasoning and of eloquence, as the noble Lord who had just sat down. Yet he could not say that he rose with the same degree of reluctance now: he must acknowledge that he very much desired to obtain their attention, because he conceived that since he last addressed their Lordships the whole question had been very materially changed; and he freely confessed that his own opinions had been a little modified by what had been since said and done. And, first, he wished to clear up a misunderstanding, which he might unwittingly and unwillingly have contributed to cause. He had been very much surprised by a remark which fell

from a noble Earl (Ellenborough) the other evening, that it was something new to him to hear the Church of Wales spoken of as contradistinguished from the Church of England; and he was still more astonished to find from an observation of his noble Friend opposite (Lord Campbell), that he himself was supposed to entertain some such idea. Now, he begged leave emphatically to disclaim and repudiate any such idea on his own part; and he must add that nothing was more foreign to the position on which the question itself stood, and that nothing that had been advanced in favour of the measure of the noble Earl (Earl Powis) in the slightest degree implied that the advocates of that measure considered the Church in Wales in any other light than as part of the Church of England. But what they contended was, that as a part of the Church of England, it had its peculiar interests, and, therefore, its peculiar rights, and that it stood in many respects in a peculiar position. That this was correct, was recognised by an Act of the Legislature itself, which authorized the translation of the Bible into the Welsh language, and by which the Bishops of St. David's, Bangor, St. Asaph, Llandaff, and Hereford, were charged with carrying that object into effect. This implied nothing like a wish for the repeal of the union between the Church in Wales and the Church in England; but it did, as he conceived, show that there were peculiar rights and interests belonging to the Church in Wales, which were entitled to respectful consideration within certain limits. How much had they recently heard in that House of the sacredness with which local and particular interests ought to be guarded! And surely if the Campus Martius of Perth and the Curragh of Kildare had a right to their protection, for the peculiar advantages and enjoyments they afforded to the inhabitants of their respective vicinities, the Church in Wales, without separating itself from the rest of the community, might also fairly put in her claims to protection, especially as their Lordships must remember that the interests at stake, though of a different order, were not inferior in importance to those connected with a promenade or a horse race. He had, on a former occasion, spoken of this as a Welsh question, and as exciting a deep interest among the people of Wales: he repeated the expression; and so much was it considered in Wales as a national question, that there was almost perfect unanimity with respect to it, even amongst those who differed from the Church—at least he was informed by the private letters accompanying the petitions which he had presented, that the feelings there expressed in favour of the noble Earl's (Powis') measure were by no means confined to the members of the Established Church, but were shared in equally by Dissenters; and he could easily conceive that this might, nay must, be the case, because it was perfectly consistent in Welshmen, though Dissenters, to object to a law by which they saw the interests of their own country sacrificed to those of any other portion of the Empire. He apprehended that the principle of the Constitution did not permit the interests of individuals to be needlessly sacrificed even to those of the whole community; much less ought the Legislature to sacrifice the interests of one part to those of any other. He was aware that when on a former occasion he had expressed this opinion, he had subjected himself to a gentle admonition from a right rev. Friend on his left (the Bishop of London), from whom he had more than once received similar admonitions, which he could assure his right rev. Friend he always received in the spirit in which they were bestowed. Notwithstanding that admonition, however, he did not think that in expressing these sentiments on a former occasion, he had outstepped his duty. He did say there was a feeling on this subject among the inhabitants of Wales, that in this measure, as well as in others affecting them, their rights and interests had been overlooked and neglected; and he did say that national distinctions did exist. Their Lordships would not get rid of them by shutting their eyes to them; and these national distinctions did create an additional reason why their Lordships should act cautiously in dealing with a subject that was likely to rouse those feelings; and he felt that he was the more entitled to use that language there, because he had been cautious not to use it elsewhere. If, indeed, he had been silent there, while he encouraged feelings of discontent elsewhere, or if he had concurred in measures calculated to excite such feelings, and then had endeavoured to conceal the effect they had produced, he might have been justly liable to censure; but having known, from personal experience, the existence of those feelings, he had thought that, in stating that fact, he had only made a fair use of the privilege he enjoyed of addressing their Lordships. He would venture even to ask, whether, reviewing the whole history of

this discussion, every thing that had taken place had not been calculated to rouse those feelings of jealousy among the people of Wales? It might, indeed, have appeared, upon the first recommendation of the Ecclesiastical Commissioners, that the object they had in view was to confer a benefit on the Church in Wales. But what must be the construction put upon the original views of the Commissioners, when they were afterwards seen changing their first proposal, possibly in consequence of a change in the Members of the Commission? The change was material; and it took away what had been thought to have been the benefit intended by the Commissioners for the Church in Wales, and without giving any equivalent. They now deprived North Wales of one of its dioceses, and also drew away the revenue to increase the general fund. When this was compared with the original proposition, the conclusion was that the original proposition itself was not made so much for the benefit of the Church in Wales, as with the view of making a proposal that should be palatable, at first view, to the inhabitants of Wales. The circumstances of this question, however, had been changed by the remarks which had fallen from the noble Lord opposite (Lord Monteagle), which had resulted in the Notice of a Resolution he had given; and he felt deeply indebted to his noble Friend for the part he had taken in this discussion. His noble Friend had frankly declared, and had recorded his opinion in the Resolution of which he had given notice, notwithstanding his concurrence in the second recommendation of the Commissioners, that in that recommendation, and on the measure founded upon it, there was an injustice done to Wales; he revoked his consent, and declared that the law as it now stood ought to be amended. He therefore apprehended it was the concurrent opinion of both sides of the House that the law needed amendment, and that it was an injustice that required to be redressed. If this were so, the only question remaining was, how was this to be done? He admitted all that had been said about spiritual destitution in North Wales; and he admitted that if the surplus revenue of the united dioceses were applied as had been recommended, it would be a great benefit to the Church. Still, when his noble Friend mentioned this destitution, he had entirely neglected to connect the present unfortunate state of that Church with the existence of the two bishoprics, much less did he show that the union of the two sees would supply any remedy for those evils. Before applying himself to the proposition of his noble Friend (Earl Powis) he must make a few remarks on what had fallen from the noble Lord who spoke last (Lord Stanley). He had endeavoured to follow the noble Lord through that able, and eloquent, and impressive speech; and, as he followed him, notwithstanding the consummate ability of that speech, he must say he had been impressed with an intimate conviction—and he said it without any intention of speaking disrespectfully of the noble Lord—that it was one series and tissue of fallacies from the beginning to the end, and that—not indeed its object, but its tendency—was to divert their Lordships' attention from the subject before them. What was his main argument? It was an endeavour to alarm their Lordships; and here he only followed the course which had been taken on every previous occasion by the noble Duke (Wellington) by his side, of endeavouring to lead their Lordships to think that if they concurred in the measure of the noble Earl, they would be undoing all that had been done by the Ecclesiastical Commissioners, and that they would give a sort of pledge that they did not mean those arrangements to stand. Now, not only was this not contemplated, but he denied that such would be the effect of this measure. He denied, on his own part, that he had the most distant design of interfering with or of condemning either the principle or the general operation of the Ecclesiastical Commission. He believed that this principle was most sound, and that its operation in general was salutary and beneficial. So far from this measure having a tendency to overthrow the principle adopted by the Commissioners, it was a measure to carry it out. The principle was to relieve religious destitution by redressing inequalities in the distribution of Church endowments, and applying the surplus to districts where it is most required; and he said that, in the case of the Church in North Wales, this principle had been violated, in consequence of the imperfect state of the information obtained as to the peculiar circumstances of this case. The measure before the House, so far from being counter to the principles upon which the Ecclesiastical Commissioners based their recommendations—so far from affording any ground for alarm that it was a step in a retrograde direction—carried out those principles, and sanctioned and confirmed them, by correcting mistakes which the

Ecclesiastical Commissioners were led into, in consequence of the want of information on the subject which prevailed at the time. The noble Lord had also adverted to the difficulty of preserving the two sees, without increasing the number of bishops in the House of Lords: and he had argued that the arrangement which had been proposed for meeting that difficulty, according to which the bishop last appointed would not immediately take his seat in that House, would be attended with danger, because it would seem to follow, and would not fail to be urged, that the rest might as well be relieved from their Parliamentary duties, and be allowed to devote themselves to the care of their dioceses. But the noble Lord had overlooked an obvious answer to this objection. It was not merely their attendance in that House that prevented the bishops from remaining constantly in their dioceses. If they were excluded from that House, they would still be drawn away from their dioceses by the occasions which would arise for conference on the affairs of the Church; and such occasions would probably in that case be more frequent than now. For it could hardly be imagined that if the Church ceased to be represented in that House, she would also be deprived of the power of meeting in Convocation. For his own part, he thought it far from desirable that the bishops should remain always isolated from one another; and he was convinced that their temporary absence from their dioceses was attended with many very beneficial effects. The only question, however, under consideration at that moment was, whether a law which the almost unanimous voice of the country had condemned as bad in some respects, should be corrected; and he very much wished to know, if their Lordships refused to permit the Bill to be read a second time, whether anything had fallen from the Members of Her Majesty's Government during the present discusion, which justified them in thinking that, if the present Bill were to be rejected, the alternative that had been suggested would be granted. Before any steps were taken to carry the proposed Resolution into effect, it would be well to collect the opinions of the parties most deeply concerned, more particularly of the clergy. He did not think the question had been fairly put to them. They had hitherto only had the alternative proposed to them of sacrificing their bishops, and of seeing the surplus revenues applied in a manner which was wholly indifferent to them. But the question had never been placed before them as to whether they would prefer applying those surplus funds in the payment of a bishop, or in the augmentation of poor livings? When that had been done — when they were made quite certain that if they parted with one of these alternatives, they would secure the other, then they would be quite sure of what they were doing; and although he did not mean to imply that their Lordships were to be bound by the decision to which the persons interested in the question, and to whom such an appeal as he had described should have been made, might come, still it would form a very important ingredient in the consideration of the whole subject. And he thought that there were several considerations which might induce the clergy of North Wales to pause before they accepted the boon which his noble Friend tendered to them in his proposed Resolution. They might, for instance, refer to the success which had attended a like experiment where it had been already made; and they would find that in the case of Gloucester and Bristol, it did not seem to have given general satisfaction. They might also see reason to doubt the prudence of parting with an advantage which nobody grudged them —that of episcopal superintendence—for temporal endowments which were threatened by enemies against whom Parliament itself could provide no absolute security. They might also regard the actual law, which the present Bill was intended to modify, as an incongruous, inconsistent measure; for if the principle of multiplying episcopal superintendence was good in one place, it surely was equally so in another; and if this was an object of greater importance than the augmentation of small livings at Manchester, it was not of less importance in North Wales. They might think that the method in which the subject had been dealt with was on the homœopathic principle, of curing a disorder in one part of the system, by a remedy which produced the same disorder in another part; and they might be of opinion that such a mode of treatment savoured strongly of quackery. In conclusion, he would observe that their Lordships were bound by every principle of reason, justice, and expediency, to affirm the proposition of the noble Earl.

The Bishop of *London* would detain their Lordships only a very short time whilst he stated the reasons by which he was actuated in taking the course that he

had determined upon pursuing with respect to the measure before the House. As one of the Ecclesiastical Commissioners, and as he had concurred in the recommendation made by that Board for the union of the two Sees of St. Asaph and Bangor, as that appeared to him to be, he would not say the best, but the most practicable mode of carrying into effect the arrangement which was in every respect so desirable, so necessary, and so much required—the creation of an additional bishopric for Manchester. And if all hope of seeing that plan carried into effect by any other means than those formerly contemplated, was shut out from his view, then and in that case he should have felt justified in adhering to the views which he had originally entertained with respect to the union of the two Sees of St. Asaph and Bangor; and, however reluctantly he might have pursued such a course, he should still have felt it proper to continue to resist, upon the judgment he had formerly arrived at, the strong and ardent feelings in favour of the preservation of the bishopric of St. Asaph, which animated the whole people of North Wales, and likewise the clergy, not only of the Principality, but also of the whole of England. It was not without much hesitation and doubt that he had resolved upon the course which he should pursue—not, he must beg to observe, any hesitation or doubt with respect to the principles upon which the Church ought to be dealt with, but with respect to other considerations by which his conduct was guided and swayed. He felt a deeply-rooted conviction, which every year's experience only tended to strengthen and confirm, that it was not only desirable, but would become absolutely necessary, to add to the present number of bishops. On this account, and having this conviction deeply impressed on his mind, he felt called upon to pursue a particular course upon the present occasion. The noble Lord who had spoken with such consummate ability, and with so much brilliancy and effect, had by his observations imposed upon him the necessity of stating the views which he entertained in opposition to the sentiments expressed by the noble Lord. Those sentiments were, that neither at present nor any future time were they to hope for or expect any increase in the number of bishops. Had he (the Bishop of London) the noble Lord for a coadjutor in his duties for one month, he believed he could very clearly convince him that the same number of bishops which sufficed for a population of 6,000,000, was not adequate to the duties of attending to the spiritual government of 16,000,000. He admitted that there were very considerable aids given to the bishops by the archdeacons. He was quite prepared to admit the usefulness of the archdeacons; but there were many functions attached to the office of a bishop which could not be effectually supplied or adequately performed by an archdeacon. He would put it to the noble Lord whether one bishop could be considered adequate to the spiritual supervision of a diocese containing 1,800,000 persons. He was aware of all that hinged upon this question, both with reference to the position of bishops in that House, and to their endowments. He would not, however, enter upon those considerations at present; but would content himself with observing, that there was no addition to the bench of bishops to which some inconveniences or some objections could not be opposed. But he must assert, that there existed on the part of the people at large a very high estimate of the value of the apostolical institution; and that estimate of the value and utility of this branch of the Church became higher in proportion as the people came more into contact with their bishops. He should not have touched upon that part of the subject but for the remarks which had fallen from the noble Lord, whose speech would have the effect of involving in the vote of that evening the consideration of the principle, as to whether an increase of bishops was or was not necessary. If the bishopric of Manchester could be established with a seat in that House, he should abandon his opposition as an Ecclesiastical Commissioner, and withdraw his opposition to the measure of the noble Earl. Seeing that the Motion of the noble Earl did not go to prevent the establishment of a bishop at Manchester, and viewing the strong feeling which had been shown for increasing the number of bishops, he did not see how he could consistently reject the noble Earl's Motion. He was strongly opposed to breaking down the system of ecclesiastical reform which had been established by the Ecclesiastical Commissioners; but still he thought that they ought not to adhere pertinaciously to a particular measure which the almost unanimous voice of the Church condemned. That feeling which had been expressed year after year, and most strongly this year, appeared to him to exempt this case from the general

rule, and made it necessary to give this measure further consideration. In respect to that feeling he should forbear voting against the measure of the noble Earl; but, at the same time, he trusted that their Lordships would acquit him of inconsistency, if, in deference to the peculiar position in which he was placed, he abstained from voting altogether.

Earl *Fitzwilliam* begged the House not to be led away by the eloquence of the noble Lord (Lord Stanley) opposite. The whole burden of the noble Lord's argument was, that they must not add a single bishop to that House. They must beware of having political bishops. But if they were to have a Bishop of Manchester at all, he was to be a substitute for the Bishop of St. Asaph or Bangor. Would he then be the less liable to the imputation which might be thrown out upon him as an addition? What was the difference between the substitute and the addition? All the arguments in the one case were applicable in the other. The unpopularity of the proposed measure in the Principality might be traced to the opinion that the interference had no adequate object. It applied no beneficial remedy to the great evils under which the Church laboured. The great evil was inadequate episcopal supervision; and the right rev. Prelate (the Bishop of London) had put a case to the noble Lord which it was almost impossible to resist. He was desirous to have bishops in that House; he thought they would do very ill on many questions without the assistance of that right rev. Bench; at the same time he could not shut his eyes to the evil of their being too much abstracted from their dioceses thereby. He thought, however, that there would be means of avoiding that difficulty. What did they do with regard to the Irish bishops? He thought they might apply the same principle to English bishops, and very considerably increase their number. His opposition to the scheme of the Church Commissioners was, that it was an inefficient remedy. They had not done half enough. His noble Friend now called on the House to take a course which was to pledge them never to do anything more upon an episcopal question. He should vote with his noble Friend, and he called upon their Lordships to avoid the trap laid that they should pledge themselves never to increase the number of bishops. On this ground he should support the Motion of the noble Earl.

Lord *Lyttelton* felt the difficulty which would attend any great increase in the number of bishops. But that was a difficulty which must inevitably be met in a short time, and which might be as well met now as at any other time. With the population increasing at the rate of 1,000 a day, it was impossible to maintain on any rational ground that the number of bishops must not be increased. He should give his most hearty support to the Motion.

The Earl of *Carnarvon* said, after what had fallen from the noble Lords and the right rev. Prelates, he could see no reason of sufficient magnitude to render it advisable to withstand the strong current of local, and, so far as Wales was concerned, of national feeling, in favour of this Bill. He did not think that the addition of another prelate, if even it took place, would be calculated to rouse the dormant hostility of the people against the Church. There was no magic in the number of bishops, and there would be no jealousy created by adding one more to them, particularly when they recollected the greater number of spiritual, compared with temporal Peers, that existed at the time of the Revolution. The recommendation to incorporate the sees was rendered unnecessary, by funds being provided in another way sufficient for the endowment of the Bishopric of Manchester. The sacrifice was determined on when they had but an imperfect knowledge of the subject. The Bill of his noble Friend had the double advantage of gratifying the feeling of the people of Wales, and of making the endowment of the bishopric of Manchester, admitted to be an important measure, immediately practicable. He had heard with great pain the statements of the noble Lord (Lord Monteagle) of the condition of the Welsh clergy, and the allusions he had made to the enormous growth of dissent in Wales. But this was not likely to be remedied by removing that clergy still further from the arm of episcopal authority. When he considered the number of petitions that had been presented to their Lordships, and who the parties were from whom this pressure came —the clergy and laity of Wales, the natural friends of established Government, to those respectful remonstrances he was unwilling to turn a cold or adverse ear.

Their Lordships then divided:—Content, Present 63; Proxies 34—97:—Not

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Monteagle
Campbell
Vivian.

Proxies.

DUKES.
Bedford
Devonshire
Leinster.

MARQUESSES.
Tweeddale
Headfort
Anglesey.

EARLS.
Westmoreland
Albemarle
Poulett
Eglintoun
Lauderdale
Leven
Balcarres
Macclesfield
Harrington
Buckinghamshire
Spencer
Bathurst
Clarendon
Fortescue
Fingall
Mornington
Charlemont
Leitrim
Donoughmore
Gosford
Manvers
Harewood
Minto
Verulam
De Grey
Amherst
Camperdown
Leicester
Bruce.

VISCOUNTS.
Arbuthnott
Hood
Massareene
Melbourne
Melville.

LORDS.
Clinton
Berners
Dormer
Sinclair
Carteret
Clonbrock
Dunalley
Harris
Cowley
Stuart de Rothesay
Heytesbury

Polsimore	Stanley of Alderley
Godolphin	Stuart de Decies
Carew	Seaton.
Beauvale	

Paired Off.

FOR.	AGAINST.
Earl of Sandwich	Earl of Shaftesbury
Lord Skelmersdale	Earl of Rosebery
Duke of Beaufort	Earl of Morley
Lord Rayleigh	Earl of Lovelace
Earl of Digby	Lord Gardner
Viscount Beresford.	Lord Brougham.

House adjourned.

HOUSE OF COMMONS,

Friday, May 2, 1845.

MINUTES.] BILLS. *Public.*—1°. County Rates.

Private 1°. Londonderry and Enniskillen Railway; Bristol and Gloucester Railway (No. 2); Tottenham and Farringdon Street Extension Railway.

2°. London, Worcester, and South Staffordshire Railway (Extension from Dudley to Wolverhampton); London, Worcester, and South Staffordshire Railway (Dudley and Sedgley Branch); Loudon, Chatham, and North Kent Railway; Duddeston and Nechells Improvement (No. 2); Glasgow, Barrhead, and Neilston Direct Railway; Bristol and Exeter Railway Branches.

Reported.—Southampton Docks; North British Insurance Company; Boddam Harbour.

3°. and passed: — Surrey and Sussex Roads (Sunday Toll).

PETITIONS PRESENTED. By Mr. Ffoliott, Mr. G. Hamilton, and Viscount Northland, from several places, for Encouragement to Schools in connexion with Church Education Society.—By Sir R. H. Inglis, from Sir Thomas Maryon Wilson, and several other Gentlemen, against Jewish Disabilities Removal Bill.—By Mr. Colvile, and Mr. Neeld, from several places, for better Observance of the Lords' Day.—By several hon. Members, from an immense number of places (538 Petitions) against the Grant to Maynooth College.—By Mr. T. Duncombe, from Camberwell, against Compulsory Payments to Religion.—By several hon. Members from a great number of places, against Union of St. Asaph and Bangor.—By Sir G. Grey, from Van Dieman's Land, for Securing the Independence of Tahiti.—By Sir J. Trollope, from Long Sutton, for Relief from Agricultural Taxation.—By Mr. Disraeli, from Wortley, for Inquiry into the Anatomy Act.—By Mr. T. Duncombe, from Glasgow, in favour of Arrestment of Wages (Scotland) Bill.—By Viscount Ebrington, and Sir John Lowther, from Plymouth, and York, for Alteration of Law relating to Criminal Offenders.—By Mr. Cobden, from Wootten Bassett, complaining of Distress.—By Mr. T. Duncombe, from Glasgow, in favour of the Ten Hours System.—By several hon. Members, from several places, for Repeal or Alteration of Insolvent Debtors Act.—By Mr. Neeld, from Malmesbury, against Justices' Clerks and Clerks of the Peace Bill.—By several hon. Members, from a great number of places, against Parochial Settlement Bill.—By Sir W. Somerville, from Mr. Patrick Darby, for Alteration of Physic and Surgery Bill.—By Mr. Ellice, from Dunbar, for Alteration of Prisons (Scotland) Act.—By Mr. Aldam, Mr. Brotherton, Mr. Denison, and Viscount Duncan, from several places, for Diminishing the Number of Public Houses.—By Mr. F. Maule, from several places, against running of Railway Trains on the Lord's Day.—By Mr. Goring, from several places, for Alteration of Law relating to the Sale of Beer.—By Mr. Johnstone, from several places, for Ameliorating the Condition of Schoolmasters (Scotland).

NEW ZEALAND.] Sir *R. Inglis*, observing that the Resolution which was on the Paper respecting New Zealand had been postponed, wished to know if that postponement was the result of some communication alleged to have taken place between certain parties connected with New Zealand and Her Majesty's Government? Seeing his hon. Friend the Under Secretary for the Colonies in his place, he wished to ask him in public what he had already asked in private, whether it was consistent with a sense of public duty to state then to the House, whether or not such communication had taken place on the part of the New Zealand Company, or any other body, to alter the relations in which the Church Missionary Society on the one hand, and the natives and the New Zealand Company on the other, stood as regards each other, and what was now the actual nature of the position of these three parties in respect to each other.

Mr. *G. W. Hope* said, that before his hon. Friend had given him notice of the question, he had intimated to the hon. Member for Liskeard (Mr. C. Buller), that he (Mr. Hope) had some explanations to give of what had passed last night. He had given the hon. and learned Member notice that he should request him to state the terms of his Motion for Tuesday night. The hon. Member, on coming down to the House, stated that he meant to postpone his Motion; and also, that he had had some communication with the noble Lord under whom he (Mr. Hope) served, upon the subject. Not having had an opportunity of since seeing the noble Lord, he (Mr. Hope) did not then know what had passed between them. The hon. and learned Member having postponed his Motion, and given his reasons for so doing, he (Mr. Hope) had nothing to say as to the terms used; but he had explanations to give which he now proceeded to lay before the House. In the first place, the withdrawal of the notice was unsolicited on the part of the Government, and unwished for by them. They were perfectly prepared to maintain and defend the conduct which they had pursued as regards the New Zealand Company. In the next place, perhaps, on account of the manner in which it had reached the public press, it would appear that the matter was more fully before the Government than was the case. The facts of the case were these: the noble Lord the Secretary for the Colonies

had received an intimation from gentlemen connected with the Company, that it was possible that an arrangement on a totally different basis might be submitted to him for his consideration. In answer to that, the noble Lord stated, that whenever such a proposal should be made in a proper official manner, he would be ready to give it a candid and dispassionate consideration. As yet the noble Lord had not received that proposal in an official shape, and he was at perfect liberty to accept or to reject the proposal when made to him. No alteration had, in the meantime, been decided on relative to New Zealand. He wished it to be fully understood that such was the state of the case, that on the withdrawal of the Motion no compromise had been made on the part of the Government in order to avoid discussion.

Trade with Brazil.] Mr. *Labouchere* would put a question to the right hon. Gentleman on a subject of great importance to the manufacturing interests of this country. He had not given notice of his question, and if the right hon. Gentleman were not prepared to answer it now, he would perhaps have the kindness to do so on an early future occasion. He had seen it stated in the public prints, that accounts had been received from the Brazils, stating that the Brazilian Government had recommended the Legislature to impose an extra duty of 20 per cent. upon British cottons, so long as it remained the policy of this country to impose an extra duty upon sugar the produce of Brazil, as distinguished from Foreign sugar and sugar the produce of our Colonies. It was also stated in the letter by which this intimation was received, that there was every probability that the Brazilian Legislature would assent to the proposal made on the part of the Government. The question which he would now put to the right hon. Gentleman was, whether or not he had received any official intimation upon this subject, and whether he could confirm or deny the statement which had appeared in the public prints?

Sir *R. Peel* was confident that no official information had been received on the subject. He had seen the noble Lord the Secretary for the Colonies but the day before, and was confident that, had such information been received, the noble Lord would have mentioned the fact to him. If the right hon. Gentleman had given him notice of his question, he might have been able to answer him more particularly, but he was confident that no information whatever had been received.

Selling Harbours.] Mr. *Hume* begged leave to ask a question of the hon. Member for York in reference to a Bill called the York and North Midland Railway Bill, in which it appeared that, amongst other property to be sold, was the old harbour of Bridlington. Other harbours had already been sold, and at that rate it appeared as if they would soon be selling all the harbours on the coast. He wished to know if this matter had been submitted to those parties under whose direction the navigation of this country was placed?

Mr. *Redhead Yorke* said, that it was not his Bill; his name had been put upon it as one of the Members of the city of York. The question was a perfectly proper one, and since the subject had been mentioned, he had communicated with others outside, who said that if there was any informality in the Bill, or any clause which should not be there, they would have great pleasure in seeing them removed.

Puseyism.] Mr. *Mangles* would ask the right hon. Gentleman a question, arising from the allegations in a petition which had been forwarded to him, but which he did not then intend to present to the House. The petitioners stated that they deeply regretted the strife and discord which now distracted the Church of England, arising from the efforts made to revive obsolete ceremonies. The right hon. Gentleman must be aware that the people of this country, in many parishes and districts, are distracted and divided by these differences. It appeared, so far as he was aware, that their disputes arose from the conscientious scruples entertained on both sides, many clergymen of the Established Church considering themselves bound by their vows and obligations to revive certain ceremonies, and to wear certain vestments, which were not in general use throughout the country; the parishioners on the other hand declaring that neither they nor their forefathers had been accustomed to these practices, and strongly objecting to the innovation. A vast deal of acrimonious feeling had thus

been engendered about matters in themselves, perhaps, of trifling importance; and both parties adhering obstinately to their own opinions, as it might naturally be supposed they would, the result was a great deal of disunion, which agitated and disturbed the country. The petitioners implored Her Majesty's Government to take these matters into their early consideration, and to devise some measure for the restoration of harmony and tranquillity. The question which he would put to the right hon. Gentleman was, whether it was the intention of Her Majesty's Government, either by Act of Parliament, or indirectly, by means of the dignitaries of the Church, to take any measures to set the disputed points at rest, and to lay down rules binding upon both parties?

Sir *R. Peel* recollected that the hon. Gentleman had several days since mentioned the subject to him, and had given him notice that he would put the question. He was not prepared to give any assurance with respect to any interference on the part of the Government in reference to the matters mentioned in the petition.

Mr. *Mangles* said, that he had asked another question, which the right hon. Gentleman, in answering the first, did not reply to. He also asked whether Her Majesty's Government intended to take indirect measures through the instrumentality of the dignitaries of the Church?

Sir *R. Peel* understood the hon. Gentleman to ask him if the Government were prepared to give any assurance, with respect to the introduction of legislative measures—with respect to the exercise directly of the authority of the Executive Government, or with respect to a communication to be made to the bishops, soliciting their interference. The reply which he had to give to both of these questions was, that the Government was not prepared to give any assurance of interference.

MAYNOOTH COLLEGE.] On the Motion that the Speaker leave the Chair for the House to go into Committee on the Maynooth College Bill,

Mr. *Hindley*, in rising to object to the Speaker leaving the Chair, was discharging an onerous duty, a duty which he undertook individually, without concert with any of the Members of that House. He felt great regret that the Government should think it consistent with their duty to go on with the present Bill. They were throwing the whole country into confusion, and rousing religious feelings which would not easily be suppressed. He feared that at the next election every hustings would become a polemical arena, where the religious opinions of every man would be taken into consideration. He deeply regretted the feelings which at present existed in the country, and which had been aroused by the Government. The right hon. Baronet was aware that the measure had excited such dissatisfaction, that at least 1,200 individuals were brought from all parts of the country to spend several days in the metropolis to protest against the measure. As the right hon. Member for Newark (Mr. Gladstone) said, the whole country was against the measure. If that were the case, he (Mr. Hindley) would say, that before they went on further with the Bill, they should appeal to the country. The Government should not hastily act upon the possession of a temporary power, and upon the support of a tyrant majority in that House. Let them not say that they were wiser than the whole people of England. No measure which was ever proposed had offended the feelings of the people of England so much as this. He had before detailed the grounds on which he objected to the Bill. He would ask if the measure had created so much confusion and discord in England, was it likely to do good in Ireland? The right hon. Member for Edinburgh (Mr. Macaulay) told them that this should be made an exception to the application of the voluntary principle; that the case of Ireland was so peculiar that they should do everything they could in order to conciliate it. He admitted that, and was ready to do everything, short of abandoning principle, to show the Irish people that he participated in their feelings against the injustice of which this country had for centuries been guilty towards them. Could they believe that this Bill would conciliate the people of Ireland? Let him read to them the letter of Dr. Higgins. That letter would show hon. Members how the measure was received in Ireland. He would beg to read an extract from the letter:—

"Much has been said about the gratitude we owe for the grant to Maynooth, but I confess that I for one (and I am joined in the sentiment by the priests and people of this

diocese) feel no gratitude whatever. In the first place, our own energies and determination wrung that paltry sum from a bigoted and anti-Irish Cabinet; nor shall we ever thank the rich glutton when he disdainfully flings us the crumbs from his table. Secondly, the grant is so miserable in amount, that it can be looked upon in no other light than as a sheer mockery and an insult. There are 8,000,000 of Catholics in this country, and the grant would be about three-farthings yearly for each. Does the childish Minister imagine that the Catholics of Ireland would not give annually three farthings each for the education of their revered clergy? or does he so far deceive himself as to believe that any one Irishman would sell his birthright for that notable sum? It would appear, however, that he does actually indulge in this extravagant delusion, and expects that we will, one and all, sit down quite contented with a mock representation, bad laws, bad partisan magistrates, a domineering and robbing corporation, called a Church Establishment; in short, that we will patiently endure every species of misrule, misrepresentation, and oppression, and all this for the yearly sum of three farthings a head."

That was the way in which Dr. Higgins received this paltry grant. When, therefore, they witnessed the confusion which had been caused in England, and the way in which the Bill was received in Ireland, he would advise the Government to pause in their course, and he could assure them that it was a measure which, if persisted in, would do more to promote the Repeal of the Union with Ireland in England than O'Connell could ever effect. During the last week the Repeal of the Union had made great progress in the opinions of England. The Dissenters of England would rather consent to the repeal than have Ireland governed by principles which would be unjust to England. He felt that he was only doing his duty to his country in entering his protest against the measure, and he would, therefore, move that the House resolve itself into Committee that day six months.

Colonel *Sibthorp* said, that no man would be more ready to second the hon. Member's Motion than himself, did he think there was the slightest hope of defeating this detestable measure. He should be the more anxious to second the Motion, could he anticipate that the right hon. Gentleman the First Lord of the Treasury — the professed Protestant — could be brought to accede to it. He almost questioned the fact of that Gentleman being a sincere and true Protestant, because he was accustomed to judge men by their actions, not by their words; above all in a Minister of the Crown, who ought in every way to promote the Protestant religion. It was a duty which the right hon. Gentleman owed to those who had placed him in his present position, and who had entertained such great expectations of him. How had the right hon. Gentleman treated the petitioners who had approached that House? The last Return made them nearly a million, and they were hourly increasing. The right hon. Gentleman had said that they only imposed on him an additional reason for persevering with the measure. If this grant was a measure of justice to Ireland, why had it been so long delayed? *Bis dat qui cito dat,* and he should have thought better of the right hon. Baronet and his measure if he had brought it in before. He implored the right hon. Baronet to appeal to the country before he proceeded further with this most important measure. Let him not go on with it in the company from which he expected his chief assistance. Did the right hon. Baronet think Gentlemen opposite gave him their support from any good feeling? His opinion was that their object was to undermine him. He did not blame them for it; they were consistent. He liked consistency, and hated truckling. The right hon. Gentleman went to strange places to look for friends; why not, then, go to the country at once, and see what was his present position in the estimation of the people? If the right hon. Gentleman wanted to know what they thought of his agricultural measures, let him go to Lincoln market and ask. But, no, he could not answer for the consequences if the right hon. Gentleman went thither. In his opinion the first virtue of a Minister was consistency. Where was that of the right hon. Baronet? He had been placed in his present position by the Conservative people of this country as their supporter, protector, and friend; and the people had been duped, deceived, and betrayed by the right hon. Gentleman. It was painful to him to speak personally disrespectfully, but duty compelled him to say what he had said. But this was only one of a series of measures of endowment which the right hon. Gentleman kept locked up in the Downing-street bank. He had no confidence in the right hon. Gentleman— but where could he look with confidence?

He said it with deep regret, but he knew not where to look—for public virtue, or anything on which he could build hopes for the honour of the Sovereign, the safety of the Church, or the welfare of the people. He did not know where it was to be found; he wished to God he did. He hoped the House would have independent feeling enough not to support any Minister who so governed the country. With regard to the Motion of the hon. Member opposite, he feared it would be futile to persevere with it. The right hon. Baronet had only to blow the Downing-street bugle, and, obedient to command, those who had anything, or expected anything, would come in troops to his assistance. Yet, if his (Colonel Sibthorp's) excellent —his exteemed—his hon. Friend below him—[*cries of* "Name!"]—he meant the hon. Baronet the Member for Oxford University—the Friend of the Church, would assume a leadership— [The remainder of the sentence was lost in general mirth and uproar.] Perhaps he spoke too strongly, but the best security for the country was reverence for the Protestant Church. If they did not succeed in the House of Commons, they must look to another place, where he trusted there were still some friends of the Church. He for one hoped for much from the reverend dignitaries of the Church in that place; but if they should forget the duty they owed to their Church, he for one hoped that the mitres might be dashed from their heads. If that failed, they had one hope left: let the people of the country take their petitions to the foot of the Throne, and if any Minister should dare to advise the Crown to disregard the opinions of the people, he (Colonel Sibthorp) should be ready—not perhaps to impeach him—but to condemn him to a seat on the opposite side of the House.

Mr. *Plumptre* said, that amongst all the measures which had come before Parliament since he had had the honour of a seat in that House, there had been none which, viewed in all its bearings, was so calculated to excite alarm; and though the rejection of it by that House might cause great agitation in Ireland, such a consequence would not be so serious as the effect of passing the measure would be upon England. The right hon. Baronet had applied th word "ferment" to the state of feeling which existed in reference to that question. Such an expression could only be applied to what was easily raised and quickly subsided; but he could assure the House, that a calm and deep religious feeling prompted the present movement. The ground on which he opposed this Bill was in principle the same as that on which he had from year to year opposed the granting of any public money for the College of Maynooth. In the view of those who thought with him in opposing this grant they were protesting on the side of truth against error, and they could not consent to pay the public money for the propagation of error. That was the feeling of this country, and that feeling was not rightly called a ferment. He would ask the Government (if they were not prepared to appeal to the country at present) whether they expected that this feeling would have subsided by the time the next general election must necessarily take place? The feeling now abroad was one which he fully believed would last until then; and if this measure were passed into a law now, he believed that in the next Parliament it would be repealed. It would be better to withdraw the Bill at present than to encounter that probability. He entreated the Government to consider calmly what the feeling of the country was. The letter which the hon. Member (Mr. Hindley) had read, and which was written by a Roman Catholic bishop, he considered to be a pretty good sample of the feeling of the Catholics of Ireland. The language was straightforward enough. It was the language of stern and sovereign contempt. But he wished to call the attention of the House to the letter of Mr. O'Connell to the Committee of Repeal wardens of Cork, dated 18th of April, in which he stated that everything encouraged them to a peaceful perseverance in agitation for Repeal, and that the Ministers of the Crown, finding it useless to attempt crushing the agitation by force, had now adopted another method, and showed a disposition to conciliate. These were Mr. O'Connell's words:—

"I am delighted to be the instrument of another perfectly peaceable exhibition of the determination of the immense majority of the inhabitants of the city and vicinage of Cork to persevere in seeking, by legal and constitutional means, and none other—for none other would we sanction—the restoration of Irish nationality. Everything encourages us to continue our peaceful perseverance in seeking the

Repeal of the Union. The attempt to overawe the Repealers by the exhibition of a grea military force has proved to be quite futile and absurd—because we never have been, and never will be, guilty of any violation of the law that could justify, or even require, military interference. The ludicrous failure of the '*scandalous prosecution*' has covered the opponents of Repeal with interminable ridicule. Every attempt to put down the demand for Repeal has served, and still serves, only to demonstrate the utility of our constitutional agitation.

"The Ministers of the Crown, finding it to be totally useless to attempt to crush the repeal spirit by force, or to extinguish it by legal form, have adopted another and a less blameless course. They show a dermination to conciliate public opinion by minor acts of justice and benevolence. The Maynooth Endowment Bill is a measure of this description —entirely devoid of any obnoxious provisions, and brought forward in a spirit of statesmanlike conciliation. A good measure in itself and entitled to gratitude—but immeasurably short of the substantial justice due from England, and which can never be obtained save by the restoration of our domestic legislature.

"Whilst the Irish brooded in sorrow and irritation, but in silent acquiescence, over the grievances which afflicted their country, no relief was afforded—no conciliation suggested by the Government. On the contrary, even in our earlier movements, we were emphatically told that 'concession,' that is to say, 'Justice to Ireland,' had long attained its limits. That assertion is now emphatically retracted; and the loud cry of Irish agitation has penetrated into the interior Cabinet of the Ministry, and (force and fraud having been found useless) is endeavoured to be quelled by acts of benevolence conferred in a conciliatory manner.

"Let us then persevere. We have every incitement to persevere. Every concession made by England is a fresh proof of her former injustice. It increases the strength of the Repealers, and diminishes the power and numbers of those who are opposed to Repeal.

"In the mean time we are guilty of no deception or delusion. No particular concession can lessen our determination to procure Repeal. We know full well that complete justice to Ireland cannot be otherwise attained, nor any permanent protection from wrong and oppression secured, save under the auspices of an Irish Parliament."

Now, it had been strongly stated both by Ministers and Gentlemen on the other side, and declared on the part of the Government, that nothing should induce them to agree to the Repeal of the Union. Mr. O'Connell, on the other hand, said that no concession would induce him to forego Repeal. He deemed every concession so much fresh ground, whence to take a step onward for Repeal. It was worthy the consideration of the Government, that Mr. O'Connell and the Irish bishops did in deed, if not in words, set them at defiance; and that being the case, whether it would not be acting wisely, as advisers of the Crown, to withdraw the Bill. He had opposed the Government on this question with great regret, but upon principle he must resist the measure as he hitherto had done; and on the part of his Protestant fellow countrymen, who sent him there, he did protest against the Bill.

Colonel *Verner* would not have trespassed upon the time of the House upon the present occasion, having so lately expressed his opinion with regard to the measure now before it, had it not been for what fell from the right hon. Baronet (Sir R. Peel) on Monday last. The right hon. Baronet was reported to have said,—

"We cannot deny that the feeling among the Protestant population of Ireland, with respect to this vote, is materially different from that prevailing among the Protestant population of England. I believe there has been this one great advantage in the vote, that it has been the connecting link between the Protestant and Catholic population of Irelnad.

Now, he (Colonel Verner) could not allow this assertion to pass unnoticed, because he felt that if there was any subject upon which he might venture to express a decided opinion, it was upon the sentiments entertained by the Protestants of Ireland upon matters such as the measure now before the House. He did not speak at random; he spoke from a long and intimate connexion with that highly loyal and respectable body, the Protestants of Ireland; and he took upon him to say, in the most positive and unqualified terms, that their opinions had undergone no change in this respect. True it was, and he was ready to admit, that from repeated oppression and persecution—from finding themselves deserted, abandoned, and betrayed, by those to whom they were led to believe they might look for countenance and protection—from seeing the bitterest enemies to themselves and to their religion, men leagued together for the avowed purpose of endeavouring to bring about a separation between this Kingdom and Ireland, appointed to offices of honour and trust under the Crown—the Protestants of Ireland may have felt disheartened, but never subdued. He could truly say of the

Protestant people of Ireland, what he had frequently heard applied to the Roman Catholics—that they were the same yesterday, to-day, and for ever—unchanged and unchangeable. The right hon. Baronet was further reported to have said that the few petitions presented from the Protestants of Ireland justified his coming to the conclusion that they were not, as a body, unfavourable to the measure. He (Colonel Verner) could not allow that the want of petitions was a fair criterion from which to judge of the sentiments of that body; because he felt confident that, had sufficient time been afforded, petitions would have flowed in from Ireland as numerously as they have done in this country. If the right hon. Baronet had entertained a doubt that the petitions did not represent the real sentiments of the people, it was easy for the right hon. Baronet to have dissolved Parliament, and thereby have cleared up the doubt. He wished the right hon. Baronet had had recourse to that experiment, before he brought forward his measure: it would have released many from the painful situation in which they were now placed. He regretted exceedingly to find himself severed from many of them, with whom he had gone hand and hand for many years, in this House and out of it. He could not tell from whence the right hon. Baronet derived his information as to the feeling entertained by the Protestants of Ireland respecting this measure; but he believed that the right hon. Baronet had been misinformed. He knew of one instance which had come within his knowledge, of a rev. gentleman having written to a Member of the House that the Protestants about him were indifferent as to the fate of this Bill: now so far from their feeling indifferent, he had presented a petition from the parish of which this rev. gentleman was rector, signed, he believed, by every Protestant in it. The hon. Member concluded by again most earnestly entreating that the right hon. Baronet would dissolve Parliament, and thereby ascertain the real sense of the country before he forced this Bill through the House.

Mr. *Redington* did not at all concur in the view taken by the gallant Colonel. Judging from the tone adopted by the Irish Protestant papers, he thought that their forbearance did them great honour; and even within the last four days he had received a declaration signed by the leading men of the county of Galway in support of the Government proposal.

Sir *Robert Peel* did not understand that there was any intention on the present occasion to revive the general discussion. He thought that there was a general understanding, not that one or two individuals might not deliver their sentiments; but that they were to proceed with the Committee that night. He hoped, therefore, that the hon. Member for Kent would consider that no disrespect was intended towards him when he declined entering into the discussion. None felt more disposed than he was to do justice to the motives that actuated the hon. Member; and he begged to assure him that when he had used the term "ferment," it was with no intention of offering disrespect to those who were opposed to the grant to Maynooth; at the same time he was bound to tell his hon. Friend, that it was his firm determination to persevere with this measure. He did not think it could with justice be said that he was forcing the measure upon the consideration of the House. He had never offered the slightest objection to the adjournment of the debate, and the subject had already been debated ten nights. He made not the slightest complaint of those repeated adjournments; but then there was the hon. and gallant Colonel (Colonel Sibthorp), who thought that in proposing the adjournment to a distant day, he did so with some mysterious object. The reason for his doing so was, because he understood from his hon. Friend the Member for the University of Oxford, that he thought it impossible that the debate could come to a conclusion on Friday, the day before the adjournment for the holidays. It was, then, because he did not desire to have an adjourned debate dormant during the holidays, that he postponed the third reading till Monday after the Whitsun recess. With respect to what had been said by the hon. and gallant Colonel (Colonel Verner), he deliberately repeated that he did think that a feeling (one such as could scarcely be expected) had been exhibited by the Protestants of Ireland on this subject—a generous feeling—a feeling of great forbearance on the part of the Protestant gentry, and such as was calculated to engender kindly feelings throughout Ireland. He did not mean to say that the whole of the Protestant body were in favour of this measure; but the hon. and

gallant Colonel must not consider that the Protestants were confined to the north of Ireland. He held in his hand a declaration, which had been imperfectly signed, from the shortness of time which had been devoted to the subject, but this declaration was signed by Protestant and Catholic landlords of the county of Galway, the greatest Roman Catholic county of Ireland in point of numbers of the Roman Catholics there. In this declaration it was stated—

"The undersigned have seen with much satisfaction the proposal of Her Majesty's Government to increase the amount of the grant annually made in support of the Royal College of Maynooth.

"They feel that measures thus tending to improve the social position of the Roman Catholic priesthood will accelerate the growth of that mutual forbearance, and of that charity in politics, which have been of late springing up among all parties in Ireland."

To that declaration were attached the signatures of thirty-four magistrates, Protestants and Roman Catholics. The first signature to it was that of the bishop, James Daly. The persons signing were chiefly Protestants—the leading landed proprietors—persons most devoted to the Protestant religion. He found this to be the case to a greater extent than he could have believed possible, and he found that such persons expressed their satisfaction at the course pursued by Her Majesty's Government. Therefore he thought he was justified in saying that much less opposition had been manifested in Ireland, both on the part of the Established Church and the Presbyterians, against the Bill, than in this country. He considered that he was fully justified in the statement he had made. He would not set an example of entering into the discussion of the Bill on that occasion. He had understood his hon. Friend's (Sir R. Inglis) views were the same as his own in this respect, and that the impression was, that they were not now to enter into the discussion of the general question.

Lord *J. Russell* asked, supposing the House should decide on going into Committee, was it the intention of his hon. Friend (Sir R. Inglis) to take a division on parts of the Bill in Committee, and if so, would he state what those parts were?

Sir. *R. Inglis* would give to his noble Friend's question as direct an answer as he could. It was the intention, so far as he knew, of those with whom he had the honour to act, to take the sense of the Committee on the Amendments of which notice had been given. His hon. and learned Friend the Member for Cambridge University (Mr. Law) did, he believe, propose, in accordance with his Notice, to move the omission of Clauses 10 and 11; but he was not aware whether any other hon. Gentleman, except his hon. Friends the Member for Hull (Sir J. Hanmer), and the Member for North Northamptonshire (Mr. Stafford O'Brien), who had both Notices on the Paper, meant to take the sense of the Committee on any other clause. With regard to the general question, having addressed the House at considerable length on two previous occasions on that subject, and proposing again to occupy its attention on the Motion for the third reading of the Bill, he did not think it would be consistent with the respect which was due from him to the House, if he obtruded himself upon them on the Motion for going into Committee. He spoke, however, but as an individual, and could not answer for any other hon. Member following the same course.

Sir *A. Brooke* denied that the opposition to the Bill on the part of the Protestants and Presbyterians of Ireland proceeded from any bigoted or hostile feeling towards the Roman Catholics. He, and those whom he had the honour to represent, and whose feelings he expressed in respect to this measure, had no desire to deprive the Irish Roman Catholics—either priesthood or peasantry—of the benefits of a liberal education; they were anxious, on the contrary, that the most liberal amount of education should be extended to all classes, provided it was based on sound principles — for they knew that education would enable the people to judge for themselves, which, unfortunately, they could not do at present. He could not reconcile it with his views that the State should maintain, much less that the Protestant Church of Ireland should maintain, a college like Maynooth for the education of the Roman Catholic priesthood, and the propagation of the Roman Catholic religion. He felt bound to give to the Bill all the opposition in his power.

The House divided on the Question that the Speaker do now leave the Chair: —Ayes 160; Noes 52: Majority 108.

List of the AYES.

Acland, Sir T. D.
Adderley, C. B.
Aldam, W.
Archbold, R.
Arundel and Surrey, Earl of
Baillie, Col.
Baine, W.
Barclay, D.
Baring, F.
Baring, W. B.
Barnard, E. O.
Barrington, Lord
Bellew, R. M.
Bentinck, Lord G.
Berkeley, H.
Blackburne, J. I.
Blake, M. J.
Boldero, H. G.
Botfield, B.
Bowles, Adm.
Bowring, Dr.
Bramston, T. W.
Browne, hon. W.
Bruce, Lord E.
Buller, C.
Buller, E.
Butler, P. S.
Cardwell, E.
Carew, hon. R. S.
Carew, W. H. P.
Castlereagh, Lord
Clerk, Sir G.
Clive, hon. R. H.
Cockburn, Sir G.
Collett, J.
Coote, Sir C. H.
Corbally, M. E.
Corry, H.
Courtenay, Lord
Cowper, hon. W.
Cripps, W.
Damer, hon. Col.
Davies, D. A. S.
Dawson, hon. T.
Denison, W. J.
Denison, J. E.
Dennistoun, J.
Dickinson, F. H.
Divett, E.
Douglas, Sir C.
Duncan, Lord
Dundas, D.
Ebrington, Lord
Ellice, E.
Ellis, W.
Escott, B.
Esmonde, Sir T.
Estcourt, T. G. B.
Etwall, R.
Ferguson, Col.
Fitzroy, hon. H.
Forster, M.
Fremantle, Sir T.
Gardner, J. D.
Gaskell, J. Milnes
Gladstone, W. E.
Gladstone, Capt.
Glynne, Sir S. R.
Gordon, hon. Capt.
Gore, M.
Gore, hon. R.
Goulburn, H.
Graham, Sir J.
Greene, T.
Grey, Sir G.
Hale, R. B.
Hamilton, W. J.
Hamilton, Lord C.
Harcourt, G. G.
Henniker, Lord
Herbert, S.
Hervey, Lord A.
Hope, hon. C.
Hume, J.
Ingestre, Lord
Irving, J.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Lord
Johnstone, Sir J.
Labouchere, rt. hn. H.
Lascelles, hon. W.
Lemon, Sir C.
Lennox, Lord A.
Leveson, Lord
Lincoln, Earl of
Macaulay, T. B.
Macnamara, W.
McGeachy, F. A.
McNeill, D.
Mahon, Lord
Manners, Lord J.
Martin, J.
Mildmay, H.
Milnes, R. M.
Murphy, F. S.
Napier, Sir C.
Neville, R.
Nicholl, J.
Norreys, Sir D.
O'Conor Don, The
O'Ferrall, R. M.
Pakington, J. S.
Palmerston, Lord
Parker, J.
Patten, J. W.
Peel, Sir R.
Peel, J.
Pendarves, E. W.
Pennant, Col.
Philips, G. R.
Ponsonby, C. F.
Pusey, P.
Rawdon, Col.
Redington, T.
Repton, G. W. J.
Rice, E. R.
Roche, E. B.
Roebuck, J. A.
Round, J.
Russell, Lord J
Sandon, Lord
Sheil, R. L.
Smith, B.
Smith, T. B. C.
Smythe, hon. G.
Somers, J. P.
Somerville, Sir W.
Sotheron, T. H.
Stansfield, W. R.
Stanton, W. H.
Somes, J.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Strutt, E.
Sutton, hon. H.
Thesiger, Sir F.
Thornely, T.
Trelawny, J. S.
Vane, Lord H.
Vernon, G. H.
Walker, R.
Wall, C. B.
Warburton, H.
White, S.
Wodehouse, E.
Wood, Col. T.
Wyse, T.
Yorke, H. R.

TELLERS.
Young, J.
Baring, H.

List of the NOES.

Acton, Col.
Antrobus, E.
Astell, W.
Austen, Col.
Bouverie, hon. E. P.
Brooke, Sir A.
Bruce, C. L.
Buckley, E.
Colquhoun, J. C.
Crawford, W. S.
Dawnay, hon. H.
Denison, E. B.
Duncan, G.
Duncombe, T.
Duncombe, hon. O.
Ewart, W.
Farnham, E. B.
Fitzroy, Lord C.
Forman, T. S.
Goring, C.
Greenall, P.
Grimsditch, T.
Hamilton, G. A.
Hampden, R.
Henley, J. W.
Hill, Lord M.
Inglis, Sir R. H.
Johnstone, H.
Jolliffe, Sir W. G. H.
Law, hon. C. E.
Lawson, A.
Lefroy, A.
Maclean, D.
McTaggart, Sir J.
Maule, F.
Morgan, C.
Morris, D.
Muntz, G. F.
Newdegate, C.
Plumptre, J. P.
Pollington, Lord
Protheroe, E.
Rendlesham, Lord
Richards, R.
Smollett, A.
Spooner, R.
Thompson, Ald.
Tollemache, J.
Troubridge, Sir J. E. T.
Verner, Col.
Waddington, H.
Wakley, T.

TELLERS.
Hindley, C.
Sibthorp, Col.

House in Committee.

On the 1st Clause, which proposes to incorporate the Trustees of Maynooth as a body politic and incorporate, being proposed,

Sir *R. H. Inglis* said, looking forward to the period when, by possibility—a very remote possibility he hoped — this Bill would become law, he would suggest an Amendment which he thought might be advantageously introduced, something to this effect—That the words,

"The trustees of the said College, and their successors for ever, shall be one body politic and corporate, by the name of the Trustees of the College of Maynooth, and by that name shall have perpetual succession, and a common

seal, and by that name shall and may sue and be sued, and shall have and possess the several powers and authorities vested in the said trustees under the said recited Acts"—

should be omitted, and that the powers created by the present Act should be placed in the hands of the body incorporated by the Act of last Session (the Charitable Bequests Act), for the purposes of this Act. He did not look upon the matter as important, and, therefore, did not intend to press the Amendment to a division if it were resisted, but he was anxious rather to have the opinion of the Government upon it.

Sir *Robert Peel* was sorry to inform his hon. Friend that he could not acquiesce in his suggestion. His hon. Friend had admitted that it would make but little difference whether it were admitted or rejected; and he (Sir R. Peel) could not suppose that he should conciliate any party in favour of the Bill by acquiescing in the proposition; while, on the other hand, it would imply suspicion of the trustees, and possibly give offence to the Roman Catholics of Ireland. What was it that his hon. Friend proposed? Not that the endowment should be less permanent, but that the trust for carrying the powers of the Act into effect should rest, not in the trustees of the College of Maynooth, but in the trustees appointed by the Act of last Session. Now the purposes and objects of the two Acts were totally distinct; and to take from the Maynooth trustees the trust which they had hitherto administered satisfactorily and without complaint, would imply suspicion of their conduct. He found the trustees of this College appointed by the Parliament of Ireland before the Union, and recognised by the Imperial Parliament afterwards—he found full confidence placed in them as the trustees for the management of this College. He found that the Lord Chancellor, the Master of the Rolls, and certain judicial authorities who had originally been appointed trustees, had ceased to act, and that their capacity as trustees was extinguished, with the consent of the Parliament, and that Roman Catholic trustees exclusively administered the trust—the judges ceasing to act, as being Protestants; and if, under such circumstances, he were to say he would not allow the trustees he found so appointed, and so administering the trust, to continue in the management of the College, but would transfer their functions to another body, he felt that while he should not be conciliating any support to the measure, he should be running a great hazard of giving offence to the Roman Catholic body in Ireland.

Clause agreed to.

On Clause 2, providing that "such corporate body may take and possess personal property and lands, not exceeding 3,000*l.* in value, exclusive of the property already acquired by the trustees," being read,

Sir *J. Hanmer* rose to move the Amendment of which he had given notice, viz., to omit the words which limit the trustees of Maynooth College taking any real property with which it might be desired voluntarily to endow them. The right hon. Baronet had given a good reason for not acceding to the Amendment suggested by his hon. Friend (Sir R. Inglis) though, until he had heard that reason, he (Sir J. Hanmer) had been inclined to agree with the Amendment, as it would have enabled the Charitable Bequests trustees to receive any property it might have been desired to give them for the purposes of the College; while, as trustees under the Act, they would be restrained from receiving it. He was not willing to see the Government committed to this troublesome ecclesiastical question. Their policy with regard to Ireland would have been more easy and more beneficial if full facilities had been given to every man to endow his own church as he pleased. He did not wish to enter into any general principle upon the present occasion; but he could not understand the wisdom of continuing laws which had their foundation exclusively on feudal reasons. To the propriety of continuing the laws of mortmain, his noble Friend (Lord J. Manners) had already, and would soon again, direct the attention of the House. From the reign of Henry III. to 15th Richard II., a code of laws containing various Statutes, had been passed, which was designated the Code of Mortmain. By the 15th Richard II. the object of that code had been defeated; but it was not until the time of Henry VII., that that defeating Statute had been applied to Ireland. The Statute of Superstitious Uses had been passed in the 13th of Henry VIII., by which many trusts and uses had been restricted, which had not been included in the former Act. This Statute, however, had not applied to Ireland; and even with regard to England,

it had been held not to apply to charitable uses. The conclusion to which these facts led him was that the restriction contained in the present clause was a restriction not intended by the law, and ought not, therefore, to be allowed. He saw no reason why free citizens should be restrained from doing so by the mere shadow of certain feudal laws. He contended that the ancient Statutes of Mortmain were intended to preserve to the Monarch certain feudal rights, and not to interfere with the devise of property for charitable and religious purposes. From evidence given by the Mortmain Committee, indeed, it would appear that there was no law which prohibited a Roman Catholic from leaving his property to a corporation for the endowment of religion, or the endowment of a charity. He believed, indeed, that there was a Statute, the 10th of Charles I., affecting Ireland, which made it imperative upon archbishops and bishops there to accept land devised to them in trust for charitable or religious purposes. He was not aware whether that Statute was or was not repealed; but if it still remained in force, it gave to Protestant archbishops and bishops great advantage over the dignitaries of the Catholic Church. He called upon the Committee to recollect that the Statutes of Mortmain did not apply to the Colonies; why, then, in the present state of Ireland, should they be applied to that country to the prevention of property being left for religious purposes by Catholics? He proposed, by his Amendment, to allow Roman Catholics who had confidence in Maynooth, and wished to see it in a flourishing state, to leave for its uses real property, as they were already allowed to leave personal property. He contended that there existed no adequate reason for the restriction proposed by the Bill; and, entertaining that opinion, he begged to propose his Amendment.

The Question having been put,

Mr. *T. B. C. Smith* said, the hon. Gentleman who moved this Amendment appear to found it upon evidence given before the Mortmain Committee; but it was right in considering the question that no misapprehension should exist as to what the law was at present. In the Statute of 1808, amending the Maynooth Act, there was not only an enabling clause to take property to the amount of 1,000*l.* a year, but there was also a prohibitory clause against taking lands to any greater value. There was, consequently, not the slightest doubt that under the existing law the College could not take landed property of more value than 1,000*l.* a year, except the land on which the College stood, and some other land specifically mentioned. Now, he admitted that the College, as incorporated by the present Bill, would fall within the Statutes of Mortmain; but he did not agree with the hon. Gentleman that those Statutes were founded on feudal principles, and were therefore at the present day entirely obsolete. On the contrary, so recently as the 32nd Geo. III., an Act was passed by the Irish Parliament analogous to the Statutes of William and Mary in England, by which power was given to the Crown to dispense with the Statute of Mortmain in England. The principle of the law with respect to lands in mortmain was to prevent landed property being placed extra-commercially, or made inalienable; and accordingly, at present, land could not be tied up for more than a life or lives in being, except in certain cases of charitable devisees. The effect of the clause in the present Bill was to allow landed property to be given in mortmain without license to the extent of 3,000*l.* a year, and personal property to any amount whatever. There was, however, no prohibitory clause in the present Bill, so that if it could be made appear that it would be expedient a greater amount of landed property should be given in mortmain to this College, the Prerogative of the Crown alone was quite sufficient to extend the amount according to the necessity. He would no. then enter into a discussion as to the general policy of the Statutes of Mortmain; all he would say was, if they were impolitic, let them be repealed, but let not the subject be discussed incidentally on the present measure. He trusted the House would be satisfied with these reasons that there was no ground for the Amendment, and that they would vote with him for the original proposition of the Government.

Mr. *Hindley* said, he so much assented to the arguments stated by the hon. and learned Gentleman, that he felt it his duty to express a hope that his hon. Friend would not divide the House on the Amendment.

Lord *J. Manners* said, he had not the slightest intention of taking part in the present discussion, but he thought the

right hon. Attorney General for Ireland (Mr. T. B. C. Smith) had failed to show on what ground the value of real property to be held by the trustees of Maynooth College should be limited to 3,000*l* a year. He wished to know on what principle such a limitation was made, for he could not conceive on what principle the framers of the Bill had proceeded with reference to this subject. If it was contrary to their principles to allow landed property to be held in perpetuity for any purpose, why did they allow these trustees to acquire real property to the value of 3,000*l*. a year? In spite of all that had been said by the right hon. Gentleman, he felt the greatest doubt—founded upon the evidence taken before the Committee, over which he had the honour to preside—whether, under the old mortmain laws which applied to Ireland, the College of Maynooth would have been prohibited from holding land to an unlimited amount were it not for the Act of 1808, and the Bill now before the House. He would support the Amendment of his hon. Friend (Sir J. Hanmer).

Mr. *Roebuck* applauded the generous spirit in which the Amendment had been brought forward; but he thought experience had shown the imprudence of placing property in such a position that it could not be alienated. On what ground was it proposed to depart from the wise policy of the law on this occasion? The noble Lord (Lord J. Manners) had asked why they limited the value of real property to be held by the trustees of Maynooth to 3,000*l*. a year? The House must see that a line must be drawn somewhere. He would ask whether it was advisable in this case to deviate from a principle established by long experience—that it was imprudent to render property inalienable? He would support the proposition of the right hon. Baronet the First Lord of the Treasury.

Sir *Inglis* agreed with the hon. and learned Member for Bath (Mr. Roebuck), that there would be great danger in giving to the Maynooth trustees the unrestricted power proposed to be vested in them by the hon. Member for Hull. If such a power were given at all, he could not see why it should be confined exclusively to Roman Catholics. The hon. Member for Hull (Sir J. Hanmer) did not attempt to effect any reduction in the amount proposed to bevoted from the Consolidated Fund for the support of Maynooth; but he proposed to afford greater facilities for the voluntary endowment of that Establishment. He felt it his duty to resist the Amendment of the hon. Member for Hull. He had heard his hon. Friends incidentally mention the English Universities in relation to this question. It must be remembered that those institutions were the depositories of the education of this country, so far as the Established Church was concerned. If they were not prepared to violate the distinctive claims of the Church of England, he would say there was no more reason for enabling persons to endow the Roman Catholic College of Maynooth, than for affording facilities to the endowment of institutions connected with other religious denominations. The noble Lord had expressed his surprise that the value of real property proposed to be held by the trustees of Maynooth, should be limited to 3,000*l*. He presumed the noble Lord was prepared to proceed upon the rule of three—the rule upon which the Government seemed to have proceeded. The annual grant to Maynooth had heretofore been 9,000*l*., and now it was proposed to increase it to 26,000*l*.; and the value of real property held by the College of Maynooth, which had hitherto been 1,000*l*. annually, might now be increased to 3,000*l*. He hoped the House would affirm the proposition contained in the Bill, in preference to that of the hon. Member for Hull.

Sir *R. Peel* said, that permission was expressly given to the trustees of Maynooth to hold personal property to any amount. Therefore, those individuals who possessed real property which they wished to bestow upon the College of Maynooth, had only to sell that real property in the market, and present the gift as personal property. He must say that he was favourable to the voluntary endowment of the College of Maynooth, but he did not wish that endowment to be made contrary to the general principles of law. It was not on any ground of jealousy as to the College of Maynooth, that he wished to limit the value of property to be held by the trustees to 3,000*l*. a year. If he were asked whether he would rather see 100,000*l*. real property, or 100,000*l*. personal property presented to that establishment, he must say, independently of any consideration of the Mortmain Laws, that he would rather the gift was made in per-

sonal than in real property, because he did not think that real property was, generally speaking, beneficially managed by ecclesiastical corporations. On the whole he doubted if landed property would be so well managed in the hands of ecclesiastical corporations as it would in those of private individuals, and as to the limit which had been fixed—respecting which exception had been taken—he could not help saying that there was more apparent than real ground for objecting to such limit; for in the first place, the Crown could at any time widen the boundary. Though the sum was fixed at 3,000*l.* yet the Crown might grant permission to the College of Maynooth to hold lands of greater value than that amount. There must be some amount fixed; it was quite as convenient to fix a reasonable as an unreasonable amount; there was no principle in the matter; the operation of the clause merely would be to give effect to the power which the Crown possessed of granting an extended permission: he hoped therefore, that they would not quarrel about the amount, and he hoped also that they would not do anything to repeal the Statute of Mortma n.

Mr. *Redington* said, that though he should not support the proposition of the hon. Baronet the Member for Hull, yet he should not oppose a clause the tendency of which was to facilitate the endowment of Maynooth. He trusted that the Statute of Mortmain would not be incidentally discussed upon any question that might arise, and that no attempt would be made to curtail the voluntary endowment of Maynooth.

Mr. *S. Crawford*, being opposed to all State grants for ecclesiastical purposes, he thought it his duty to remove, as far as he could, every impediment to voluntary endowment. He should, therefore, vote for the Amendment if it were pressed.

Sir *J. Hanmer*, in reply, observed, that seeing the munificent manner in which Oxford and Cambridge had been endowed, he was anxious to extend the same facility to his Roman Catholic fellow subjects. Seeing the large proportion of people professing that religion in Ireland, he had no objection to their having a great and noble university. If the right hon. Baronet ever travelled along the Mediterranean, he must have observed that all those lands in the hands of the ecclesiastical bodies were the best cultivated. He was afraid that if a limit were put to endowment (particularly after the manner in which the Government had otherwise provided for the College), the progress of voluntary endowment would soon cease altogether. He had come to that conclusion from what had already taken place, for though empowered to hold land to the amount of 1,000*l.* a year, the College had never had that amount.

Viscount *Clive* said that it was now perfectly competent to Roman Catholics to leave endowments to any amount for the benefit of Maynooth, if they took the precaution of committing their control to trustees. It was much better, therefore, in his opinion, to give them the power at once, in their corporate capacity, without any such intervention.

On the Question that the blank in he Clause be filled with the words "three thousand pounds,"

Mr. *Stafford O'Brien* proposed that the blank be filled with the words "thirty thousand pounds." Seeing that the great number of petitions against this grant was in opposition to the endowment of any religion whatever, and seeing that the Roman Catholics, from their declarations in former years, might be supposed to favour such a principle, he wished (without charging them with inconsistency in their recent conduct) to place them in such a position that they might be enabled to say, "We have subscribed an amount equal to that Government intended for us —we are now independent of you, and we wish to dissolve the connexion." He understood the hon. Member for Montrose was opposed to this proposal, lest it might increase the irritable feelings that now existed. But he (Mr. O'Brien) was sure that those who opposed this grant, felt no objection whatever to voluntary endowments by the Catholics themselves.

Mr. *Hume* observed that all he had said was, that if the Government raised the amount of endowment from 3,000*l.* to 30,000*l.*, it would have the effect of stimulating the existing jealousy, and excite more alarm than at present.

Sir *H. Inglis* could not but think that the hon. Member for Northamptonshire was endeavouring to outbid Her Majesty's Government in respect to the favours to be conferred on the Roman Catholic College of Maynooth. He hoped the hon. Member would withdraw the Amendment on the grounds urged by a

distinguished supporter of the measure, who considered that the proposition was likely to injure the Bill in the opinion of the country. He should not trouble the Committee by repeating his objections to the endowment of Maynooth. If he objected to the endowment of 3,000*l.* it was surely unnecessary to say that his objections to endowing it to the extent of 30,000*l.* must be ten times as great.

Mr. *Smythe* said the position of the advocates of the voluntary principle was absurd. They objected to Roman Catholics spontaneously endowing their own college. [Mr. *Hume* : No.] He had no doubt the hon. Member for Montrose would carry out the voluntary principle by discontinuing Church Establishments altogether. [Mr. *Hume*: Yes.] Then the advocates of the voluntary principle would put the State in this position, that it facilitated all religions while it proscribed them.

Mr. *Hume* had no hesitation in saying that he was opposed to unlimited endowment exercised in favour of any sect. If they asked him what he should do if he had the power of remodelling the three kingdoms ; he meant, of course, the provision for the religions of the three kingdoms—he should place all on a perfect equality. But in his opinion it showed an absence of all Christian feeling or sympathy for their fellow subjects to oppose the endowment of a few thousands at Maynooth, and to give an unlimited power of endowment as to the Universities in this country. He was in favour of the original proposal, because he feared that raising the endowment to 30,000*l.* would but increase those bitter feelings, and that dread of Popery, which now unhappily prevailed.

Mr. *Granger* said, there was nothing to prevent the Catholics endowing the College by money in the funds, which would, perhaps, be a much better course than by investment in lands.

The Committee divided on the Question that the blank be filled up with 3,000*l.*:—Ayes 100; Noes 32: Majority 68.

List of the AYES.

Ackers, J.
Aglionby, H. A.
Archbold, R.
Arkwright, G.
Arundel and Surrey, Earl of
Bagot, hon. W.
Baillie, Col.
Baine, W.
Baird, W.
Baring, hon. W. B.
Barnard, E. G.
Bentinck, Lord G.
Blake, M. J.
Boldero, Capt.
Botfield, B.
Bowles, Adm.
Brocklehurst, J.
Brotherton, J.
Browne, hon. W.
Bruce, Lord E.
Buller, Sir J. Y.
Busfield, W.
Butler, P. S.
Cardwell, E.
Carew, hon. R. S.
Clerk, Sir G.
Clive, hon. R. H.
Cockburn, Sir G.
Collins, W.
Coote, Sir C. H.
Corry, H.
Cripps, W.
Darby, G.
Duncan, Lord
Escott, B.
Esmonde, Sir T.
Ewart, W.
Fitzroy, hon. H.
Forster, M.
Fremantle, Sir T.
Gaskell, J. Milnes
Gladstone, W. E.
Gladstone, Capt.
Godson, R.
Gordon, Capt. hon. W.
Gore, hon. R.
Goulburn, H.
Graham, Sir J.
Granger, T. C.
Guest, Sir J.
Halford, Sir H.
Hatton, Capt. V.
Heneage, G. H.
Herbert, S.
Holmes, W. A.
Hope, hon. C.
Hope, G. W.
Howard, P. H.
Hume, J.
Hussey, A.
James, W.
Jermyn, Earl
Jocelyn, Lord
Lennox, Lord A.
Macnamara, W.
M'Neill, D.
Manners, Lord C.
Martin, C. W.
Mitchell, T. A.
Neville, R.
Nicholl, J.
O'Brien, J.
O'Conor Don, The
O'Ferrall, R. M.
Patten, J. W.
Peel, Sir R.
Peel, J.
Philips, G. R.
Pigot, D.
Pusey, P.
Repton, G. W.
Roebuck, J. A.
Smith, B.
Smith, T. B. C.
Somes, J.
Stewart, J.
Stuart, W. V.
Sutton, hon. H.
Tancred, H. W.
Thesiger, Sir F.
Thornely, T.
Trelawny, J. S.
Trench, Sir F.
Wall, C. B.
White, S.
Wilde, Sir T.
Williams, W.
Winnington, Sir T. E.
Wood, Col. T.

TELLERS.
Baring, H.
Young, J.

List of the NOES.

Acton, Col.
Austen, Col.
Bowes, J.
Buck, L. W.
Chetwode, Sir J.
Clive, Lord
Colquhoun, J. C.
Corbally, M. E.
Crawford, W. S.
Dawnay, hon. W.
Dickinson, F. H.
Duncan, G.
Forman, T. S.
Gardner, J. D.
Gore, M.
Grimsditch, T.
Hamilton, G. A.
Hanmer, Sir J.
Hill, Lord M.
Inglis, Sir R. H.
Jolliffe, Sir W. G.
Law, hon. C. E.
Manners, Lord J.
Marsland, H.
Polhill, F.
Rendlesham, Lord
Redington, T.
Shaw, F.
Somers, J. P.
Tollemache, J.
Wakley, T.
Wyse, T.

TELLERS.
O'Brien, S.
Smythe, hon. G.

On Clause 4,

Mr. *Ferrand* wished to ask the Government how their message of peace had been received in Ireland? Mr. Smith O'Brien had talked in the Conciliation Hall of 50,000 Frenchmen landing on the coast of Ireland, an American fleet in the Channel carrying hostile bands of Irish emigrants. That was the result of acting on expediency, and forgetting the principles which placed them in power—the result of conduct such as no Ministry, professing to act on constitutional principles, was ever before guilty of in the history of this country. He hoped that during the Whitsuntide holidays the Protestants of England would convene the constituencies, and compel their Representatives to appear before them, and give an account of the conduct they had pursued on this Bill. There were many of the Members of that House who had pledged themselves, on their words of honour, to resign their seats when called upon to do so by a majority of their constituents. He asked them if they would redeem that pledge? Were they not bound, as men of honour, to repair to their contituents, and inquire what their feelings were on this occasion. He observed an hon. Member opposite representing a borough in Yorkshire, whom, from the line which he had taken, and the declarations ascribed to him in the public journals, he regarded as especially bound to give his constituents the opportunity of expressing their opinion upon his conduct, and of returning, if they chose, some Member who would honestly and faithfully discharge his duty to them.

Mr. *Stansfield*, being the Member alluded to, said, that what he had told his constituents was, that he felt himself bound in honour to vote according to his own conviction, and that it was his intention to vote with the Government, merely from a view of the necessities of the State, as propounded by the right hon. Baronet the First Lord of the Treasury. He would merely add that he had given his vote in accordance with the convictions he entertained. He thought the right hon. Baronet was the best judge of the public necessities; and when the right hon. Baronet stated them so strongly, agreeing as he did with the right hon. Baronet as to the propriety of doing justice to that great portion of Her Majesty's subjects who hitherto had been so neglected, he was prepared to give the right hon. Baronet, on this question, his most cordial support. He almented, at the same time, that the funds ofr the endowment of the College should be drawn from the Public Revenue, having always supported the measure advocated by the hon. Member for Sheffield, and now being prepared to vote for it. He had said on the occasion referred to, that he was sorry to differ from his constituents, as he had never done so before; but while he admitted their right to influence him in local matters, yet, feeling that he was a Member of the great Commons of England, he considered it his duty to merge the local in the general interest. He had added also, that rather than be compelled to vote against a measure which he conscientiously believed to be but a reparation to Ireland at the hands of a country which had hitherto for centuries oppressed her, he would resign his seat. This was what he had said; and it was scarcely fair to represent that he had said positively that he would resign his seat. He had not said so, because it did not appear to him necessary. The more consideration he gave to this measure, the greater was his conviction of its justice and necessity, and therefore he should continue to support it.

Mr. *Shaw* would not place his own objections to the present measure upon any lower ground than the total denial of the right of the Legislature, according to the fixed principles of the British Constitution, to endow, in permanent connexion with the State, a Roman Catholic Establishment in any portion of the United Kingdom. But assuming for a moment the ground taken by the Government and hon. Gentlemen opposite, that a great improvement was to be expected in the College of Maynooth, should the Bill pass, he should like to hear some Irish Members of the Roman Catholic religion give an answer to the question put by his hon. Friend the Member for Kent (Mr. Plumptre), whether it was really a want of funds amongst the Roman Catholics, applicable to Roman Catholic purposes, that rendered the measure proposed by the Government even expedient? He could not believe that it was; for while he contended that the real object of the Irish Act of 1795, was to enable Roman Catholics to endow Maynooth for themselves, which they had not done to any extent worth mentioning, from that time to the present he saw immense sums expended from Ro-

man Catholic sources in Ireland on the erection of chapels and public seminaries for those professing their religion; and he believed large sums were sent from Ireland for the propagation of their faith abroad. Still Maynooth was neglected—and, notwithstanding the present measure, unless it were supported by the Roman Catholic aristocracy and gentry, which, from all he could observe and learn, he did not think it would be, he did not expect that its condition would be materially improved. He believed that it was unpopular amongst the higher and even the middle classes of the Roman Catholics themselves; and in reference to the observation made by the hon. Member for Montrose that 2,000*l.* a year was granted to the Universities of Oxford and Cambridge, he was happy to say that no sum was granted by that House to the University of Dublin. But he would ask that hon. Member and the House, if that paltry sum, or ten times the amount, would be available to placing the English Universities in their present position, if they were not sustained by the respect of the country, and the feelings of those who sent their sons to be educated there. It was for these reasons that he (Mr. Shaw) considered that while the Government was violating a great principle, which no improvement in Maynooth could, in his mind justify, still that they would not even produce any sensible improvement in that establishment.

Mr. *Wyse* said, the learned Recorder for Dublin spoke as if the Catholics of Ireland did not support any college out of their own funds, when the fact was they supported colleges at Galway, Meath, Kilkenny and Carlow. They also supported their own bishops, as well as their inferior clergy and several schools. It was therefore, too bad to tax them with illiberality. He thought this was another ground for the present grant. At present the funds of the College of Maynooth were insufficient to educate students for the high office they were called upon to fill as Catholic priests. There was no parsimonious feeling on the part of the Catholics of Ireland; and surely the Protestants of Ireland had no cause to complain since they had Trinity College to themselves.

Mr. *Shaw* said, the hon. Gentleman quite misconceived his (Mr. Shaw's) argument, and corroborated it by stating that the Irish Roman Catholics had liberally endowed the seminaries of St. Jarlath's, Carlow, and others. He had not accused the Irish Roman Catholics of any general parsimony; on the contrary, what he had said was, that money was always forthcoming for any object they desired to promote, but that they had not supported Maynooth; and that therefore, he concluded, they did not like to support it, and would not now, although the grant was increased; and that, while that grant, by way of permanent endowment, violated a great constitutional principle, still, that without the co-operation of the Roman Catholic gentry, it would do a mere nothing in improving the general character of the College. As to the University of Dublin, he had only to repeat what he had over and over again stated in that House, that so far as education was concerned, all the studies, honours, and advantages of the University of Dublin were as open to Roman Catholics as to Protestants; and the hon. Gentleman himself had in his speech within the last few minutes given the reason—namely, that it was a Protestant ecclesiastical establishment—why it was impossible that any but members of the Established Church could be admitted as fellows, or on the foundation, or as part of the governing body, without an entire subversion of the intention of the founders, and the purposes for which that University was expressly established.

Mr. *Redington* referred to the number of splendid Catholic churches springing up throughout Ireland as an additional proof that the Catholic clergy and laity of that country were not indifferent to the spiritual interests of the communion.

Sir *R. Inglis* said, reference had been made to strong language used out of doors against the Roman Catholics; but he begged Gentlemen would recollect what strong language had more than once been uttered out of doors against the Established Church, by those who would do well to remember the professions and promises which they had made—that no measure prejudicial to that Church should receive their support.

Mr. *M. Gore* said, he was so strongly convinced of the justice of this measure, and its beneficial tendency, as regarded not only Ireland, but the Empire at large, that nothing should dissuade him from

giving it his cordial and strenuous support.

Mr. *James* begged to state a fact which might be gratifying to the hon. Member for Kent, and also to the hon. Baronet the Member for Oxford—namely, that the Catholic Legislature of Belgium granted very handsome sums for the maintenance of the Protestant clergy. This would be a bright example for this country to follow, in compliance with the injunction, "Do unto others as you would that they should do unto you."

Clause agreed to.

On Clause 15 being read,

Mr. *Plumptre* said, he must take that opportunity of calling attention to the nature of the education given in Maynooth College. The doctrines there taught were, he contended, antisocial, immoral, and intolerant. He would read to the House some specimens from the class books used in Maynooth. A venial sin, according to Dr. Doyle, in the catechism taught to Roman Catholics in Ireland—

"Is a sin which does not break charity between man and man, much less between God and man, such as the stealing an apple," &c. "By what kind of sins are the commandments broken? By mortal sins only; for venial sins are not, strictly speaking, contrary to the end of the commandment, which is charity. When is a theft a mortal sin? When the thing stolen is of considerable value, or causeth a considerable hurt to our neighbour. When is a lie a mortal sin? When it is any great dishonour to God, or notable prejudice to our neighbour."

One of the Maynooth class books, by Dr. Bailly, contained the following, in chapter 7, p. 232:—

"How great must be the quantity of the thing stolen in order to constitute the theft a mortal sin? The quantity cannot easily be determined, since nothing has been decided on this point, either in natural, divine, or human law. Some are of opinion that a quantity necessary for the maintenance of an individual for one day, in a manner suitable to his station in this world, is sufficient to make the theft a mortal sin. Others think that it requires a quantity which, everything considered, inflicts a grievous injury on our neighbour, and deprives him of something particularly useful. A loss, however, which in respect of one, a rich man for instance, is slight, in respect of a poor man may be considered heavy. It is generally laid down, and you (the priests) may lay it down as determined, that in order that a theft should be a mortal sin, when committed on persons of the first rank, fifty or sixty pence are sufficient."

He went on to say with respect to persons in a lower class, forty pence are enough to constitute a mortal sin; and, with respect to others in a still lower class, twenty pence, if their trade is very lucrative; if less lucrative, tenpence. What morality was that? How unlike the majesty and simplicity of God's commandment, "Thou shalt not steal!" Dr. Bailly, in his *Moral Theology of Oaths*, mentioned several causes which took away the obligation of an oath. One was, "If the thing sworn becomes impossible or unlawful on account of the prohibition of any superior." Another cause was a dispensation or commutation made by the superior. One case assigned was, "when the public good is concerned, which ought always to be preferred to private good." He contended that his quotations justified his statement that the doctrines taught in Maynooth were of an antisocial and immoral character; and appealed to the Government whether they could properly and consistently call upon the Protestants of this country to endow a college in which such doctrines were taught from day to day as a part of the system of instruction; and he threw on it the responsibility of endowing a college where such doctrines were inculcated.

Clause agreed to.

On Clause 17 being put,

Mr. *Wyse* observed, that before the Clause was put to the vote, he wished to take that opportunity, not of continuing the discussion—if discussion it might be called—but of denying the charge which had been frequently made in this debate, that a book entitled *Dens on Theology* was read at Maynooth. It was not read there, nor had it ever been read at Maynooth. Moreover, many of the doctrines which were supposed to be inculcated in that College, particularly the doctrine of the power of the Pope over temporal princes—that of the power of deposition, and that of the power of breaking oaths with heretics, instead of being taught at Maynooth, were repudiated there, and the very reverse of these obnoxious doctrines was not only taught, but studiously inculcated, and every one of the professors was specially ordered by the statutes of the College to inculcate the doctrine that the Pope had no temporal power either in this kingdom or in any other kingdom in Europe. Obnoxious paragraphs had been cited by the hon. Member for Kent (Mr. Plumptre) and by

other hon. Members, from Roman Catholic books, in order to call down the condemnation of the House upon the principles taught at Maynooth. But he could cite passages from Luther and from many others amongst the early Reformers, which the House, he was sure, would regard as equally objectionable, and to which Christians of the present day would be equally unwilling to subscribe. But such would not be the proper mode of treating this question. He would not cite such paragraphs in the way of recrimination, but merely to show that such charges made upon the one side, could be met with similar charges on the other. But these were matters which should, on all hands, be allowed to pass into oblivion. They should, on an occasion like the present, forget everything which might tend to heighten the acrimonious animosities which already prevailed. They should rather remember that they all belonged to one great Christian family, and should, by their acts more than by their professions, preach faith and charity together, and, by so doing, not only assist in the spread of true religion, but assist every denomination of religion, whether Protestant or Catholic.

Mr. *Colquhoun* would like to call upon the hon. Gentleman for some proof of what he said. The hon. Gentleman stated that he was prepared to prove from Protestant works, that sentiments abounded in these works as objectionable as those to which the hon. Member for Kent (Mr. Plumptre) and others had alluded in the course of the debate. Would the hon. Gentleman consent to cite any one passage to the House and to the country which had any sort of colour or connexion with the sentiments cited by his hon. Friend? All that he (Mr. Colquhoun) could say was, that if the hon. Gentleman could prove that such sentiments were taught in any part or portion of any book used as a class book in any college of England or Scotland, or in any University in either country, he would undertake to come down to that House, and call upon them to institute a most searching inquiry into that institution, its doctrines and discipline, where such sentiments were inculcated. An educational institution teaching such sentiments deserved neither public confidence nor support. It was established beyond doubt that many of the books used at the College of Maynooth inculcated Ultramontane opinions, which were so dangerous to the peace of states and to the order of the country. There was Delahogue, and he might also cite Thomas Aquinas, one of the greatest advocates of these opinions. When the hon. Gentleman said that these opinions were never taught at Maynooth, he (Mr. Colquhoun) would only refer them to the evidence in their own library—the evidence adduced by the Commissioners appointed by themselves, for a refutation of what the hon. Gentleman thus stated. These opinions had been taught, and were still taught, at Maynooth.

Mr. *Wyse* did not originate this discussion; it originated on the other side of the House. He would not detain the Committee a single instant beyond what was necessary, not for his own vindication, but to prove the correctness of the statement which he had made. He had stated that Dens' book was not now read, and that it had never been read, at Maynooth. That statement he would repeat, and he did so, on what he considered authority of the most unquestionable character—the authority of the heads and professors of the College at the present moment. With regard to the particular doctrines to which hon. Gentlemen might object, and which might be found in this or in that book, it was one thing to find them in books, and another thing to ascertain whether they were doctrines taught at the College or not. To the assertion that they were taught there, he would return in answer, that they were not taught, nor had they been taught there, within his recollection. He placed this assertion, on his part, on the same ground as he had placed the former, —the authority of the professors of Maynooth. They declared that it was a portion of their statutes that these doctrines should be repudiated; and, further, that instructions were given to the professors of theology to inculcate their repudiation upon the students. He was ready to point out in the writings of the different Reformers who commenced the Reformation in Germany, and in those of many others who were looked up to as the great authorities of the several Protestant denominations in the country, and whose opinions reached in various forms down to the present day, passages which that Committee, as well as every other body similarly constituted, could not but consider condemnable. He had books now in his hand from which he could read such

passages, and if the House called upon him to read them he would willingly do so. ["Read, read."] He would select one passage from the early Reformers, and that he thought would be enough. Luther taught in his works that—

"God works the evil in us as well as the good," and that "the great perfection of faith consists in believing God to be just, although by his own will he necessarily renders us worthy of damnation, so as to seem to take pleasure in the torments of the miserable."

Again—

"Free-will is an empty name;" and, farther, "if God foresaw that Judas would be a traitor, Judas necessarily became a traitor; nor was it in his power to be otherwise. Man's will is like a horse; if God sit upon it, it goes as God would have it; if the devil ride it, it goes as the devil would have it; nor can the will choose its rider, but each of them studies which shall get possession of it."

And farther, following up this doctrine, he taught—

"Let this be your rule in interpreting the Scriptures; wherever they command any good work, do you understand that they forbid it, because you cannot perform it." "Unless faith be without the least good work, it does not justify, it is not faith." "See how rich a Christian is, since he cannot lose his soul do what he will, unless he refuse to believe; for no sin can damn him but unbelief."

The doctrines of the other Reformers, Calvin, Beza, &c., was similar. Wesley first followed the doctrine, that a believer is not obliged to use the ordinances of God, or do good works, &c. Fletcher stated that the Antinomian Calvinists preached that "what were damning sins in Turks or Pagans, were only spots in God's children;" and in a treatise of one of their supporters, the hon. Richard Hill, he found it maintained that—

"Murder and adultery do not hurt the pleasant children (the elected) but work even for their good;"

adding—

"My sins may displease God—my person is always acceptable to him. Though I should outsin Manasseh himself, I should not be less a pleasant child, because God always views me in Christ. Hence, in the midst of adulteries, murders, and incests, he can address me with 'Thou art all fair, my love, my undefiled; there is no spot in thee.' It is a most pernicious error of the schoolmen to distinguish sins according to the fact, not according to the person. Though I highly blame those who say, 'Let us sin, that grace may abound,' yet adultery, incest, and murder, upon the whole, make me holier."

Mr. *Colquhoun* thought that the hon. Member for Waterford occupied a very extraordinary position. The hon. Gentleman came down to the House, as he said, wholly unprepared; [Mr. *Wyse:* No;] and yet he most opportunely found in his pocket ["No, no;" "Order, order,"] a volume from which the hon. Gentleman quoted extraordinary opinions, which he was hardly able to discern whether they belonged to Luther or Wesley—to either or to both of them. The question for them to consider was, should that House provide for the teaching of opinions which were opposed to social order and constitutional peace in this country? The hon. Gentleman had taken it upon himself to affirm that neither was the work of Dens, nor were the opinions referred to by the hon. Member for Kent, ever taught in the College of Maynooth; and he cited as his authority the opinions of the professors. But he could not take their opinions. They had the Return of the Commissioners before them, from which it appeared that passages from the books referred to were brought to the attention of those gentlemen (the professors) by the Commissioners; and these opinions appeared, to every intelligent man, opposed to social order and to the peace of society. If this country were guilty of the extraordinary folly of endowing colleges in England or Scotland, which propagated opinions opposed to social order and peace, such as it was proved were propagated at Maynooth, in the standard works used in that seminary, it would be guilty of an act of folly equal to that which it was now perpetrating, in not only continuing but in increasing the grant to Maynooth.

Mr. *M. J. O'Connell* would be sorry to be guilty of any breach of order. He had interrupted the hon. Gentleman because he had misrepresented ["Order"]—

The *Chairman* called the hon. Gentleman to order, and stated, that if there had been any misrepresentation, it must have been unintentional.

Mr. *M. J. O'Connell* said, that he hardly believed himself that it was intentional. The hon. Member for Waterford (Mr. Wyse) stated that certain doctrines were to be found in Protestant writings. The hon. Gentleman (Mr. Colquhoun), in replying to him, with that ingenious acuteness which he always manifested, put the issue upon the doctrines taught, or alleged to be taught, at Maynooth, which was not

the phrase used by the hon. Member for Waterford. His hon. Friend (Mr. Wyse), following out his original idea, cited passages from certain works which proved to the House that doctrines as objectionable were held and taught on the one side, as could be pointed out on the other. The hon. Gentleman (Mr. Colquhoun) came to the charge and accused his hon. Friend of misrepresentation, when he must say, with all due deference to the House, that if there was any misrepresentation, it was altogether on the hon. Gentleman's own side. There were, and had been, doctrines of the kind alluded to, written and taught by divines; and he believed that it would be admitted on all sides that there were no works, at least no standard works, of an old date, in which some doctrines were not to be found—pushing principles to extreme lengths, and which all Christians would now join in condemning. His hon. Friend said that these doctrines were not taught at Maynooth. On the correctness of this, the House might rely. He (Mr. M. J. O'Connell) would take a practical question. The hon. Member for Kent (Mr. Plumptre), with a charity which he shared with the hon. Member for Newcastle-under-Line (Mr. Colquhoun) towards his Roman Catholic brethren, quoted passages on the subject of theft. Now it was admitted for years past that the poorer classes of Irishmen who came over to this country, and who professed the same faith —at least most of them—as he (Mr. M. J. O'Connell) did himself, were peculiarly remarkable for the absence amongst them of paltry thefts. If their creed was of an antisocial tendency, would these results have been shown? It happened that, bad as the doctrines which the Maynooth priests taught might be, they taught the people better than did some of the hon. Gentleman's (Mr. Plumptre) own constituents. Ignorant, uneducated, and demoralized as he might think the peasantry of Ireland to be, they never yet worshipped in the neighbourhood of one of their cathedral towns in Ireland a maniac as the Messiah.

Mr. *Plumptr* had never quoted a passage from Dens, nor had he ever stated that Dens had written a book which was used at Maynooth. The hon. Member for Waterford, and the hon. Gentleman who last spoke, allowed that the doctrines attributed to the Catholics were to be found in the books which he had cited, but alleged that these doctrines were not taught. He would ask them why were these doctrines not expunged from these books? They should certainly give to the visitors of the College the power of ascertaining whether the books which were taught at the College contained such passages.

Mr. *Monckton Milnes* observed, that he must express his conviction that most of the Members of that House, who had paid any attention to the subject, could not regard the argument deduced from certain passages, even in the text books of Maynooth, as available against the present measure.

Mr. *D. R. Pigot* observed, that the hon. Gentleman (Mr. Colquhoun) had affirmed that particular doctrines were taught in Maynooth, for that he had referred to the Report of the Commissioners who had examined into the state of Maynooth; now, he (Mr. Pigott) on the other side, maintained that the doctrines referred to—the Ultramontane doctrines—doctrines exalting the supremacy of the Pope, the right of the Pope to temporal power in the dominions of other princes, were not taught in the College of Maynooth. And to prove that statement, he referred to the evidence of three persons—the President, the Vice President, and the Dean of Maynooth—these three persons being the only authorities—the only persons charged with the discipline of the College. The first of these witnesses was Dr. Crotty. The President was asked if the Transalpine doctrine was inculcated in Maynooth; to which his reply was, that it never had been. The Rev. Dr. Montague, the Vice President, was then asked, if he were acquainted with the principles inculcated in Dr. Delahogue's class book? He answered that he was; that Dr. Delahogue had been the professor of moral theology, but Dr. Hearne latterly filled that situation; and not only was he as great a defender of the French or Gallican doctrines—in inculcating the Cisalpine doctrines—that he was even more violent than Dr. Delahogue against the Ultramontane, or the doctrine teaching any political or temporal power being exercised by the Pope. The third person examined was the dean, the Rev. Mr. Dowling. He stated that he was educated at Maynooth; that he attended Dr. Delahogue's lectures; that he knew his book, the

"*Ecclesia*;" that they taught the Cisalpine doctrines; and in answer to the question had the Transalpine doctrines been taught in the College, he replied that they had been never taught, never inculcated, and never encouraged. He had heard the hon. Gentleman (Mr. Colquhoun) make a distinct proposition, and, referring to the evidence in the Report of the Commissioners, he met that proposition, he read the evidence, and he now left it to the hon. Gentleman to prove his proposition.

Mr. *Colquhoun* hardly understood what the right hon. and learned Gentleman meant, unless it was to confirm what he had already stated. That which the right hon. and learned Gentleman had just read confirmed what he had never disputed. The right hon. and learned Gentleman showed that the authorities at Maynooth said that there were not Ultramontane doctrines taught at Maynooth; but then, by citations from the books used in the College, it would be seen that these doctrines were taught, and there was the discrepancy between the assertion of the authorities and the evidence in the Report. At a future stage of the debate he meant to bring from that Report passages which would prove that Ultramontane doctrines were taught; that they were to be found in the standard works read in the College. That he would prove; and to that proposition he meant to nail the right hon. Gentleman.

Mr. *Redington* said, if he recollected right, a certain number of years ago, there was a Mr. Colquhoun, who made a charge that there were taught certain doctrines in a school in the city of Glasgow. That charge was publicly made; the persons who were trustees of the school required the Mr. Colquhoun to whom he referred to substantiate the charge. The Mr. Colquhoun he alluded to never succeeded in substantiating the charge, and if he was not mistaken, a vote of censure was passed upon that Mr. Colquhoun. He might be mistaken in the person, but he was strongly reminded of that Mr. Colquhoun when he heard the hon. Gentlemen opposite talk of being prepared to nail any Gentleman to a certain point. He might, too, be erroneous in his reminiscences on another subject; but if it were not a lapse of memory on his part, there was, some years ago, a Mr. Colquhoun, a Member for Kilmarnock, in that House; that Mr. Colquhoun had been examined before the House of Lords, and he there made a grave charge against the National Board of Education in Ireland, namely, that one of the teachers was a ribbonman. He was asked what evidence he had of the fact, and he stated as his authority Lord Lansdowne's agent. This was a gentleman named Price, that he had met on board of a steam boat, and the reason he said the man was a ribbonman, because Mr. Price had said he was a blackguard. Now this Mr. Colquhoun might be the same individual who had distinguished himself in Glasgow, and rendered himself remarkable before the House of Lords, and who would now make a charge against Maynooth, because certain passages were in some books to be found there. Were members of colleges in England to be made responsible for every opinion promulgated by Locke, and every argument employed by Paley? Were all the passages in all the books in the libraries of Oxford and Cambridge to be deemed to be the doctrines taught by the professors in these Universities? He had listened with great pain to this discussion. Catholics permitted frequently calumnies to be uttered against their religion; and they did so without troubling the House with a refutation of them. Facts answered slanders. If half a dozen of the multitude of doctrines imputed to them were inculcated by their religion—the religion of the great majority of the people of Europe—it would be undeserving of the name of religion, and its vices must appear in the conduct of its professors and disciples; whilst, as to Ireland, instead of being a moral and virtuous nation, it must be the most debased on the face of the earth. The religion which had been taught, which had existed for eighteen centuries, might well defy the puny efforts of such as those who now spoke of nailing others to the point.

Sir *R. Peel* said he had heard the discussion which had just taken place with great pain; for of all assemblies he thought this House was least fitted to discuss questions of this nature. He had before stated that the servants of Her Majesty had considered whether any public advantage could result from instituting an inquiry into the course of education pursued at Maynooth. They had read with great attention the Report of 1827. He did not consider that that Report had exhausted the whole subject; but he thought it very improbable that any new

light could be thrown upon it by a new inquiry. They had provided for the appointment of visitors. They had required that those individuals should visit the College once at least in every year, call before them the professors and officers, and inquire into the condition and management of the institution. It was also provided that the Lord Lieutenant of Ireland should possess the power, whenever he thought fit, of directing an inquiry into the management and government of the College. They did not, therefore, consider it expedient or possible to carry inquiry much further. Differing as he did from the religious persuasion of many of those hon. Gentlemen who had taken part in this debate, and who had spoken with some natural irritation, he must entreat the House to beware how they drew inferences from doctrines contained in particular books. He would remind the hon. Member for Kent, that in the course of the evidence given before the Committee on Maynooth education, the following question was put to one of the professors at Maynooth :—

"Are you aware that Dr. Paley, in his *Moral Philosophy*, in treating of promise, undertakes to show that promises are not binding where the performance is impossible; that promises are not binding where the performance is unlawful; that promises are not binding where they contradict a former promise; that promises are not binding which are released by the promisee; and that erroneous promises are not binding in certain cases?"

Now, if these sentences had been read without the name of Dr. Paley being mentioned, would they not have been apt to produce a wrong impression? But what was the answer to this question? "I have not read that work, but all those principles are the same as ours exactly;" these being the principles of Dr. Paley. But, as another proof of the danger of trusting to such indications, he might state that, during the same inquiry, the following question was put to another professor at Maynooth :—

"In the third Council of Lateran, is it not understood that amongst the punishments decreed against the Albigenses, this was determined—'Illorum subditi et vassalli relaxatos se noverint a debito fidelitatis dominii et totius obsequii donec in tanta iniquitate permanserint?'"

This appeared to imply that, in certain cases, a spiritual authority might release the subjects of a Sovereign from their allegiance; but what was the reply of the Professor of Dogmatic Theology? He said—

"If it be supposed that a Council or Pope, or any authority whatever, assumed the right of absolving subjects from their allegiance to their Sovereign, I would disregard their decision, and consider the subject by no means freed from the obligations of fidelity. Not only would I despise and disregard such a decree, but, if a subject of the Sovereign in question, I would consider it my religious duty to openly resist it, and advise such of the people as might be committed to my care to remain unshaken in their allegiance."

Now let them place that practical statement against the doctrine of the Council of Lateran; and because certain doctrines were contained in some books used at the College of Maynooth, let them not suppose that the instruction given at that institution was inconsistent with the duty of the scholars to God, to their neighbour, and to their Sovereign.

Clause agreed to.

Clause 10 read; expense to be paid out of the Consolidated Fund.

On the Question that it be read a second time,

Mr. *Law* said he would trouble the House with very few words. His object, as he had before stated, was to prevent a State endowment to the College of Maynooth, and he would therefore, simply move that this clause be negatived.

The Committee divided on the Question that the clause be read a second time :—Ayes, 210; Noes, 88: Majority, 122.

List of the Ayes.

Acland, Sir T. D.	Boldero, H. G.
Acland, T. D.	Botfield, B.
A'Court, Capt.	Bowes, J.
Adderley, C. B.	Bowles, Adm.
Aglionby, H. A.	Bowring, Dr.
Ainsworth, P.	Bramston, T. W.
Aldam, W.	Browne, hon. W.
Archbold, R.	Bruce, Lord E.
Arundel and Surrey, Earl of	Buller, C.
Baillie, Col.	Byng, G. S.
Baine, W.	Cardwell, E.
Baring, rt. hon. F. T.	Carew, hon. R. S.
Baring, rt. hon. W. B.	Carew, W. H. P.
Barnard, E. G.	Castlereagh, Visct.
Barrington, Visct.	Cavendish, hon. C. C.
Barron, Sir H. W.	Chapman, B.
Bell, M.	Charteris, hon. F.
Bell, J.	Childers, J. W.
Berkeley, hon. F. H.	Cholmondeley, hon. H.
Blackburne, J. I.	Clayton, R. R.
Blake, M. J.	Clerk, rt. hon. Sir G.
Bodkin, W. H.	Clifton, J. T.
	Clive, hon. R. H.

Cockburn,rt.hn.Sir.G.
Colebrooke, Sir T. E.
Collett, J.
Collins, W.
Corbally, M. E.
Corry, H.
Courtenay, Lord
Cripps, W.
Dalrymple, J.
Damer, hon. Col.
Davies, D. A. S.
Dawson, hon. T.
Denison, W. J.
Dickinson, F. H.
Douglas, Sir C. E.
Drummond, H.
Duncan, Lord
Duncannon, Lord
Dundas, D.
East, J. B.
Easthope, Sir. J.
Eastnor, Visct.
Ebrington, Lord
Ellice, rt. hon. E.
Emlyn, Visct.
Escott, B.
Esmonde, Sir T.
Etwall, R.
Ferguson, Col.
Ferguson, Sir R. A.
Fitzmaurice, hon. W.
Fitzroy, hon. H.
Fitzwilliam, G.
Flower, Sir J.
Forster, M.
Fox, C. R.
Fremantle, rt.hn.Sir T.
French, F.
Gardner, J. D.
Gaskell, J. Milnes
Gladstone, rt.hn.W.E.
Gladstone, Capt.
Glynne, Sir S.
Godson, R.
Gordon, hon. Capt.
Gore, M.
Gore, hon. R.
Goulburn, rt. hon. H.
Graham, rt hn. Sir J.
Granby, Marquess of
Granger, T. C.
Grey, rt. hon. Sir G.
Hale, R. B.
Halford, Sir H.
Hamilton, W. J.
Hamilton, Lord C.
Harcourt, G. G.
Hatton, Capt. V.
Hawes, B.
Heneage, G. H.
Heneage, E.
Herbert, rt. hon. S.
Hervey, Lord A.
Hinde, J. H.
Hollond, R.
Holmes, hn. W. A'C.
Hope, hon. C.
Hope, G. W.
Horsman, E.
Howard, hon. E.
Howard, P. H.
Howick, Lord
Hume, J.
Hutt, W.
Ingestre, Lord
James, W.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Labouchere, rt. hn.H.
Lambton, H.
Lascelles, hon. W.
Layard, Capt.
Lemon, Sir C.
Lincoln, Earl of
Listowel, Earl
Macnamara, W.
M'Geachy, F. A.
McNeill, D.
Mahon, Visct.
Manners, Lord J.
Martin, C. W.
Mildmay, H.
Milnes, R. M.
Mitcalfe, H.
Murphy, F. S.
Napier, Sir C.
Neville, R.
Newport, Lord
Nicholl, J.
Norreys, Sir D.
Northland, Lord
O'Brien, J.
O'Connell, M. J.
O'Conor Don, The
O'Ferrall, R. M.
Ord, W.
Owen, Sir J.
Paget, Col.
Pakington, J. S.
Palmerston, Lord
Parker, J.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pennant, hon. Col.
Philips, G. R.
Pigot, rt. hon. D.
Ponsonby, hon. C.
Praed, W. T.
Pusey, P.
Rawdon, Col.
Redington, T. N.
Repton, G. W. J.
Roche, E. B.
Round, J.
Rous, hon. Capt.
Russell, J. D.
Rutherfurd, A.
Sandon, Lord
Seymour, Lord
Sheil, R. L.
Smith, B.
Smith, J. A.
Smith, rt. hon. R. V.
Smith, rt. hon. T. B.C.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Stock, Sergt.
Strutt, E.
Sturt, H. C.
Sutton, hon. H. M.
Tancred, H. W.
Tennent, J. E.
Thesiger, Sir F.
Thornely, T.
Trelawny, J. S.
Trench, Sir F. W.
Vernon, G. H.
Villiers, Visct.
Walker, R.
Warburton, H.
Watson, W. H.
White, S.
Wood, Col. T.
Worsley, Lord
Wortley, hon. J. S.
Wynn,rt.hon.C.W.W
Wyse, T.
Yorke, H. R.

TELLERS
Young, J.
Lennox, Lord A.

List of the NOES.

Acton, Col.
Archdall, Capt.
Ashley, Lord
Astell, W.
Austen, Col.
Bankes, G.
Bateson, T.
Beresford, Major
Broadley, H.
Brotherton, J.
Bruce, C. L. C.
Buckley, E.
Buller, Sir J.
Chetwode, Sir J.
Christopher, R.
Cole, H. A.
Colquhoun, J. C.
Colville, C. R.
Connolly, Col.
Crawford, W. S.
Curteis, H. B.
Darby, G.
Deedes, W.
Denison, E. B.
Dick, Q.
Dodd, G.
Douglas, Sir H.
Douglas, J. D. S.
Duncan, G.
Duncombe, T.
Duncombe, O.
Du Pre, C. G.
Egerton, Sir P.
Ewart, W.
Farnham, E. B.
Ferrand, W. B.
Fitzroy, Lord C.
Forbes, W.
Forman, T. S.
Fox, S. L.
Fuller, A. E.
Greenall, P.
Gregory, W. H.
Grimsditch, T.
Hallyburton, Lord J.
Hamilton, J. H.
Hamilton, G. A.
Hanmer, Sir J.
Henley, J. W.
Hill, Lord M.
Hindley, C.
Hornby, J.
Hughes, W. B.
Hussey, T.
Jolliffe, Sir W.
Lefroy, A.
Leslie, C. P.
Lowther, hon. Col.
Mackenzie, T.
Maclean, D.
M'Taggart, Sir J.
Marsland, H.
Marton, G.
Masterman, J.
Maule, F.
Maunsell, T. B.
Morris, D.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Pechell, Capt.
Plumptre, J. P.
Rendlesham, Lord
Richards, R.
Ryder, hon. G. D.
Shaw, F.
Sibthorp, Col.
Smith, A.
Spooner, R.
Thompson, Ald.
Tollemache, J.
Tower, C.
Turner, E.
Turnor, C.
Tyrrell, Sir J.
Verner, Col.
Waddington, H.
Wakley, T.

TELLERS.
Inglis, Sir R. H.
Law, hon. C.

On Clause 11,

Mr. *Law* said, that after the division which had just taken place, he should not put the House to the trouble of again dividing.

Mr. *Hindley* said, that after this display of the crossfire of Cambridge, he should never trust Cambridge again upon any matter of importance.

The several clauses having been thus agreed to, the question was put on the preamble of the Bill, and then

Sir *R. Inglis* said, that he wished to put upon record a sort of protest against the present measure, by bringing up a Clause to declare that no enjoyment of pecuniary advantage under this Bill should create a vested interest.

Clause brought up and read a first time.

On the Question that it be read a second time,

Sir *R. Peel* said, that such a clause was hardly worthy of any Legislature—such a clause, moreover, could not bind them. Surely the House would not sanction the principle that if a professor were to enjoy his salary for thirty years, that he must by reason of such a clause as this be deprived of all the advantages of a vested interest. He really did not see how such a clause would promote the objects which his hon. Friend the Member for Oxford had in view.

Mr. *Hindley* concurred with the right hon. Baronet who spoke last.

Sir *R. Inglis* observed, that no man could be said to have a vested interest, when he was made aware beforehand that one of the conditions of his accepting office was, that he must have no vested interest.

Mr. *Labouchere* said, he hoped his hon. Friend would not press the present Mo tion.

Clause negatived. The House resumed. Bill to be reported.

EJECTMENTS IN ROSS-SHIRE.] Mr. *F. Maule* said, that he recently had his attention called to a paragraph in a northern newspaper, stating, that in the county of Ross as many as 400 tenants had been served for the ensuing term of May with notice to quit. Each family contained upon an average five individuals; this gave a total of 2,000 persons driven from their houses. The journal in which this statement appeared did not enter into the reasons for this removal, nor should he endeavour to investigate the motives which led to this extraordinary proceeding, but should merely confine himself to saying it was greatly to be regretted that such a course should have been adopted at a time when they were about to legislate on the subject of the Poor Laws. He hoped that the right hon. Baronet would mention the subject to the Lord Advocate.

Sir *J. Graham* ventured to hope that there was some gross exaggeration in the statement put forth. The right hon. Gentleman had been so obliging as to call his attention to the subject ten days ago, and he lost no time in bringing it under the notice of the Lord Advocate; and it was intended by that noble and learned Lord to institute an inquiry into the subject. But the right hon. Member for Perth must from his own official experience in the Home Department know that he had no power to interfere unless for the purpose of preserving the public peace. It appeared to him, however, that no circumstances could justify a landlord in giving notice to so many tenants in one district at once, and he felt that he could not condemn in terms too strong such extensive removals.

Mr. *F. Maule* said, that the objects which he had in view were fully answered by the expression of opinion which his statements had elicited.

House adjourned at twelve o'clock.

HOUSE OF LORDS,
Monday, May 5, 1845.

MINUTES. BILLS. *Public.*—2ª. Privy Council Appellate Jurisdiction Act Amendment.

Reported.—Auction Duties Repeal; Customs (Import Duties); Colonial Passengers; Sugar (Excise Duties).

Private.—1ª. Newcastle-upon-Tyne Port.

2ª. Devoport Gas; Plymouth and Stonehouse Gas.

Reported.—Shelsley Road.

3ª. and passed:—Bradford Gas; London Orphan Asylum; Amicable Society Assurance; Ellesmere, Birmingham, and Liverpool Canals Union.

PETITIONS PRESENTED. From Commissioners of Supply of Renfrew, in favour of the Infeftments (Scotland) and Heritable Securities (Scotland) Bill.—From Malton, and several other places, for the Suppression of Intemperance.—From Beverley and Bagpath, for the better Regulation of Beer Houses.—From Loyal Protestant Association of Pudsey, and Stanningley, for Inquiry into the Course of Instruction adopted at Maynooth College.—By Bishops of Chichester, and Gloucester, Earls Brownlow, Fitzwilliam, and Winchilsea, Lords Monteagle, Brougham, and Farnham, and by Viscount Combermere, from Clergy and others of Bristol and several other places, against Increase of Grant to Maynooth College.—From Inhabitants of Calloes, and 2 other places, for better Observance of the Sabbath.—From Tradesmen of Ledbury, for Repeal of the 57th Clause of the Insolvent Debtors Act Amendment Act.—By Lords Cottenham, and Brougham, from Wigan, Bristol, and Bolton, against the Insolvent Debtors Act Amendment Act.—By Lord Cottenham, from Llanover and 2 other places in Wales, for the Establishment of

Local Courts.—By Lord Campbell, from Brechin, and 2 other places, for Improving the Condition of Schoolmasters (Scotland).—From Proprietors of Basingstoke Canal Navigation, for Regulation of Railway Charges.—By Lord Farnham, from Protestant Inhabitants of Kildarton, and 6 other places, for Encouragement to Schools in connexion with Church Education Society (Ireland).—By Lord Brougham, from Planters and others of Parish of Saint Elizabeth, Jamaica, against any Alteration of Duties on Sugar and Coffee.—From Leicester, and several other places, for Alteration of Law of Debtor and Creditor.—From P. W. Crowther, Esq., of Heavitree, in favour of Insolvent Debtors Act Amendment Act, and suggesting Amendments therein.—From Broseley, and several other parishes, against the Insolvent Debtors Act Amendment Act.—From Merchants and others of Newark, in favour of Local Courts.—From Landowners of Winchester, and several other places, for Repeal of Malt Tax.—By Duke of Richmond, from Landowners and others of East Brent, and several other places, for Protection to Agriculture.—From Llan Gristiolus, and Ceorig-beinwen, against the Union of the Sees of St. Asaph and Bangor.

AUCTION DUTIES.] The Earl of *Dalhousie* moved that the House do now resolve itself into Committee on the Auction Duties Repeal Bill.

The Duke of *Richmond* objected to the Bill, because it had not been called for by the country at all, and would move that it be committed that day six months. Under the present auction duties, the tenant farmer had an exemption; and while the Table of the House was crowded with petitions for relief to the agricultural interest, the Government was repealing the few Acts that exempted the farmers from this operation. He objected to the Bill, because the amount derived from the auction duties, if they were not repealed, might be very beneficially applied to the relief of the agricultural interests of the country. The noble Lord the President of the Board of Control had asked him what could be done for the agricultural interest: if the noble Lord had asked the question of the farmers of the country, many of them would say, "Give us an entire repeal of the malt tax." But if they asked for that the Government said, "How can we make up for so large a deficiency?" If, again, the farmers asked to be relieved of a portion of the county rate, it was said what would be the use of 200,000*l.* or 300,000*l.* spread over all the counties of the kingdom? Thus, in one case, they were told they asked too much; and in the other, that what they asked would be of no use at all. He did not ask for any favour for the agriculturists from Her Majesty's Ministers, for he knew such a demand would be in vain. They wanted justice to be done them. On what principle was the landed interest of the country required to pay for the apprehension of every prisoner, for his maintenance in prison, and for one half of all the expenses of all the prosecutions at the sessions and assizes? The Government paid half the expenses of the assizes and the sessions; but why should the counties pay anything towards the assizes? The county had had nothing to do with the assizes, and had no control whatever of this expenditure. The land was very properly made to support a clergyman in every parish; but, why was it forced also to support a chaplain in every workhouse and gaol? Why should the expense be thrown exclusively on the land? The land had also to bear the whole expense of maintaining the wives and children of those confined in prison, and of men transported; but if a criminal who had any property was transported, whom did that property go to? It did not go towards the county rate, but to the Crown. When recognizances were estreated, they also went to the Crown. Was it fair that one should bear all the loss, and the other take all the profit? There was not a Session that did not throw some additional expense on the land, because the Chancellor of the Exchequer did not care how much the county rates were burdened. If the Government were prepared to pay half the county rates, and a fair per centage of the poor rates out of the Consolidated Fund, they would act fairly towards the agriculturists, by giving them a just participation in the advantages which they were so ready to give to other interests. Now, in his opinion, the Government ought to give this amount of 300,000*l.* for the purpose of relieving the agriculturists from the very great pressure of the present county rates, and he should therefore oppose this Bill. He was much pleased that a Motion similar to the one with which he intended to conclude, had been made in the other House when this Bill was before them, as it afforded an opportunity of ascertaining who were disposed to vote for measures and not for men; but it was opposed on the ground that it would appear to infer a want of confidence in the Government. But he could say for himself that, if a vote of want of confidence in the Government were proposed, in consequence of their agricultural policy, he would have been prepared to vote for it; for he thought Her Majesty's Ministers were bound to come forward and

show that they looked upon the agricultural interest as one of the most important interests of the country. It would be a better and a more just proposition towards the agricultural interest, if the Chancellor of the Exchequer offered to pay a portion of the poor rates of the country, and carried such a proposal into effect. They would not see, as they now did, new tariffs introduced every year, the effect of which was to throw out of work hundreds of industrious labourers, who were thus obliged to resort to the workhouse for support. He did not think that this Bill was an indication of the true policy which ought to be pursued with respect to the agricultural interest, and he would, therefore, move that the Bill be committed that day six months.

The Earl of *Dalhousie* said, the noble Duke had raised a question of great magnitude. The noble Duke's first objection to the Bill was, that under the former Act tenant farmers enjoyed an exemption from certain duties, and that the repeal of the Act would place them in a different position. It was true that under the former Act the tenant farmers were exempted from the duty on sales made on their farms; but the exemption was not peculiar to them; they had it in common with almost every branch of business in which property was disposed of at all. The Returns showed that there were exemptions on sales of every description to an extent he was almost afraid to mention. He denied that the farmers had any peculiar exemption under the former duties, nor did he think they had a right to complain of a relief from the payment altogether, because others had got an exemption they formerly enjoyed. The noble Duke said the Government was throwing away 200,000*l.* or 300,000*l.* needlessly—that no one had called for it; but when it had been represented to Parliament by a Commission that had been appointed to inquire into the subject, that a tax was "unjust, oppressive, and impolitic," he thought it could hardly be said that, in repealing it, they were throwing that amount away needlessly. Their Lordships should recollect that there were other considerations connected with a tax, besides the exclusively pecuniary consideration. Parliament itself had practically pronounced its condemnation of this tax in the exemptions it had year after year been compelled to grant. It was notorious that the tax was a demoralizing one; it led to the grossest perjury and temptations to fraud of every description. It pressed exclusively on the poor, but by the rich it was made a convenience; the poor were compelled to sell, for they had no means of evading it; but the rich merely made it a handle to ascertain the value of a property which was afterwards sold by private contract; thus throwing the whole tax upon the poor man, who was really compelled to sell. In addition to this, it was unproductive; out of the 45,000,000*l.* of property annually transferred, only 8,000,000*l.* paid the tax. His noble Friend had addressed reproaches to the Government for the manner in which, as he conceived, they had treated the agricultural interest. He should not retort on his noble Friend, as he was anxious that no bitterness of feeling should be engendered between the proposers of the present measure and those who generally acted with the Government; but he should endeavour to prove that the reproaches cast on the Government were not borne out by facts. His noble Friend had said, that from the first the tendency of these tariffs was injurious to the agricultural interest, and that they operated to cast the labourers on the workhouse. It was easy to make these assertions; but he defied his noble Friend to place his hand on any articles which were productive of such an effect either in the measures of 1842 or 1844, or in those which he now submitted to their Lordships' consideration. He would look to the Canada Corn Bill, which had been complained of as affecting the agricultural interest injuriously, and he would show that it could not have done any injury to the agriculture of this country. The amount of corn which came in last year under the Canada Corn Bill was 226,000 quarters, which was so small a quantity in reference to the general consumption of the country, that it could not have any important effect. He stated, when the Canada Corn Bill was before them, that it could not possibly produce those injurious effects on agriculture in this country which were stated as likely to arise from it; and all subsequent experience had borne out his anticipations. He had shown, two years ago, that both as regarded the fraudulent introduction of American corn under that Bill, and the price at which it could be sold in Canada, there was no reason to apprehend any danger; and what he then stated had been since fully borne out. Then the law,

which permitted the importation of live stock from foreign countries had been pointed to as another measure which was injurious to the agricultural interest; but what were the quantities of cattle that had been imported since the passing of the Act? In 1843, there were imported of oxen and cattle, 1,482 head, and that number had increased in 1844 to 4,865, which was so small a number that it could have no perceptible effect on the agricultural interest of this country, as he would show, by stating to their Lordships the average annual consumption of meat, as far as it could be ascertained, in London alone. The annual average consumption in London, taking into account the animals killed in town, and the meat sent from Scotland and other parts of the country, but not including importations coastwise and by railway, which could not be correctly ascertained, was 234,268,000lbs; and against that they had imported into the three kingdoms in 1844, under the Act which permitted the importation of foreign cattle, 4,865 head, or an average quantity of 3,800,000lbs. Now what he would ask was, how could it be supposed that such an importation as 3,000,000lbs. was capable of producing a visible effect on the markets of this country, when in one town alone in one of the three kingdoms, the annual ascertained consumption of meat was 234,268,000lbs.? Now, having shown that the agriculturists could not have suffered from those acts, he would ask, had they not received any advantage from the measures which the present Government had introduced? Was there no advantage given to landed proprietors by the reduction of duty on foreign timber in 1842, when it was altered from 55*s.* to 25*s.*? Were there no charges which fell upon the landed proprietors, such as building and repairing, in which timber was an important item? He would maintain that the reduction in the duty on timber was a very great advantage to the landed proprietors. Then there was the reduction in the price of coffee, which was a great advantage to the agricultural labourer—

The Duke of *Richmond* indicated his dissent.

The Earl of *Dalhousie* could not agree with that extraordinary view of the noble Duke, for he looked upon the reduction of the price of coffee as a measure which was calculated to do great benefit to the agricultural labourers as well as to all other classes of operatives. The duty had been reduced from 16*d.* to 8*d.*, and then from 8*d.* to 6*d.*, and that on Colonial coffee to 4*d.* He next came to sugar; and the noble Duke would admit that surely the agricultural labourers were consumers of sugar, and that the reduction which was made in this article by the Government measure formed a large proportion of the outlay of the labourer. Then, with regard to cotton; did not that enter largely into the consumption of the agricultural labourers? The use of fustians and corduroys was daily spreading, and the reduction of the duty on cotton would be felt by the agricultural labourers. He therefore thought that his noble Friend was not borne out by the facts of the case when he stated that the agricultural classes had received no benefit from the measures of the Government. Another article to which he might allude was glass.

The Duke of *Richmond:* We do not grow glass, and we do grow timber.

The Earl of *Dalhousie:* They were not then discussing the question of protection, but whether the agricultural interest had derived any benefit from the recent commercial measures; and he must beg to say, that whatever the Duke's joke might be, this was the sober fact, that relief to the extent of 200,000*l.* or 300,000*l.* had been given to the landed interest; but it was not as a pecuniary advantage alone that the reduction of the glass duty was to be regarded, but with reference to the improvement in the moral and social condition of the agricultural labourers which it was calculated to effect. It was unquestionably true that the Tariff of the present year contained a great number of articles; one main object of it was to remove all duties on raw materials; but, if the agricultural interest objected that they had failed to carry out the principle—if they wished it applied to other articles, then the Government must have touched corn and other matters—to which, he thought, the noble Duke would have had some objection. As to the particular measure now before their Lordships, the Government had no option; they were bound at the first opportunity, as far as they could, to relieve the community from a tax both impolitic and unjust. If the House should go into Committee on these measures, he felt satisfied that he could make good to their Lordships, on each of the articles, as he trusted he had done upon the aggregate of them, that the agricultural interest had not been neg-

lected; and that least of all in their present proposal was the Government liable to the imputation of injuring the agricultural interest, and throwing the agricultural labourers into the workhouse.

The Earl of *Malmesbury* said, that though he might incur the risk of being charged with a want of sense, he should dare to differ from the noble Earl who had just sat down. As to the propriety of reducing the auction duties, the first question was, whether in the present distressed state of the agricultural interest, they could not have given it some assistance, and remitted some taxes that would have conferred relief upon that interest?—whether they could not have meted their bounty with a more just hand, by remitting some of the burdens under which the agriculturists were now groaning? The noble Earl, as was his duty, had defended the Government from the charge of any unjust treatment of the agricultural interest; but he begged to carry back the recollection of the noble Earl for a year or two. How had the Government begun their reign? Not, certainly, by neglecting the agricultural interest, but by interfering with them too much; they did "touch" them, to use the noble Earl's own expression, and the agricultural interest was still feeling the effects of that interference. He alluded to the alteration of the Corn Laws. Then came the Income Tax; and, in order to make that odious measure palatable, the Government used the argument that various articles of consumption would be rendered so much cheaper by the Tariff, that people would save the three per cent. taken by the Income Tax. Upon whom, then, did the difference fall? Why, upon the farmers and agricultural interest generally. That was the first step which the Government took; what was the second? A heavy blow also to the agricultural interest; he meant the remission of the timber duties. The noble Earl had talked of that measure as if timber were not the produce of this country: did not the noble Earl know that in a bad year, when the seasons were unfavourable, the landed proprietor might redeem his loss by a fall of timber? And as to repairs, why, wretched and poor indeed must that estate be which was obliged to go abroad for timber for repairs. He ventured to press again upon their Lordships the reflection that, if the Government could afford 100,000*l.*, they had no necessity to resort to an obscure and insignificant tax for remission—but that there were several ways in which they might have relieved a class of persons now greatly depressed.

Lord *Monteagle* said, that if the noble Duke on the cross bench divided the House, he should be compelled to divide with him, though on very different grounds from those which he had stated. He admitted, however, at the outset, that the Government might make out a very good case against the auction duty; and against what tax could not a strong case be made? All taxes were evils, all were burdens on one class or another; but a novel and most ingenious reason was suggested for repealing the auction duties. No one complained of them, we are informed. Surely the absence of complaint against the auction duties seemed to him to afford a ground for preferring for reduction some other taxes, against which the complaint was loud and general. Besides which, according to one test, and that an unerring one, this tax would not appear to be very oppressive; because it was a duty which had been annually increasing, and the augmentation of revenue amounted to some 50,000*l.* in ten years. He objected, therefore, to the selection of this tax for revision, and especially to the sacrifice of 300,000*l.* of revenue, when the public had only a surplus of 100,000*l.*; and that surplus produced, not by the permanent revenue of the country, but by taking into account a temporary tax—a tax most odious and burdensome in its nature, and one which hitherto had been reserved for periods of great exigency and of war. Further, he could show their Lordships that it was now proposed to sacrifice this amount of revenue at a time when that trifling and supposed surplus of 100,000*l.* had vanished, and when the arguments on which the calculation of that surplus was founded had been contradicted by the result. One of the financial measures of the year had already proved an entire failure, speaking of it as a matter of finance. It had been anticipated by the Government, that on the higher classes of sugar, they would receive an additional duty of 2*s.* 4*d.* upon 75,000 tons; but a Paper on their Lordships' Table showed that, so far was this from being true, that nearly the whole of the sugars brought in had been imported at the lower rates of duty. The Government, therefore, would lose the difference between the one rate and the other; and whereas they had calculated upon 163,000 cwt. of

the higher class, they had got only 228,300 cwt. at the lower duty. So far as objecting to the repeal of the auction duties, he agreed with his noble Friend on the cross bench, but he agreed with him no further; he differed from him altogether in thinking that the agricultural interest had any cause of complaint. He should be prepared to go through the Tariff with his noble Friend, and to meet him on any of the articles on which his noble Friend could point out that a reduction of duty had been injurious to the agricultural interest. Under the new Corn Law, for instance, to which the noble Duke objected, there had been greater steadiness of price than had been known for many years. Opposing that Bill, as he had done, on the grounds of the vice of the sliding scale on which it rested, he had always admitted that it was a great improvement on the old law; and so it had proved. It benefited the farmer as a consumer by the reduction in price, and it benefited him also as a producer by the steadiness in price which it had occasioned. As to the importation of foreign cattle, not only had the English farmer sustained no injury, but he had derived a positive benefit by being relieved from the clamour and odium occasioned by the existence of a law prohibiting that importation. He did not quite agree with the Government as to the Canada Corn Bill; he thought that they underrated their own measure. It was true that the measure conferred but little benefit as yet; but it was to be recollected that during the period since its enactment prices had been very low, and it was not possible that the full benefit of such a measure could be felt all at once. He believed that much more corn would hereafter be produced and imported; and he regarded that measure in the light in which it had been presented by the Minister who had taken charge of the Bill (Lord Stanley), who, in introducing it, had said—"Whilst you have a population increasing 1,000 a day, you must look forward to an increased supply of food from abroad; and you cannot remain as you are." But even in the furthest development of that measure, he did not believe that it would be productive of the least loss to the agricultural interest. To hear the discussions in that House, any one would suppose that the agricultural interest were producers of all things, and consumers of nothing; and as to the complaints that were made, he ventured to state that, looking back to the whole course of legislation for the last ten or twelve years, no fair representation made on their behalf had been neglected. What had caused the repeal of the salt duty? The influence of that article upon agriculture. What had caused the repeal of the leather tax? Why, he recollected the arguments used in the House of Commons on that subject, as to the great weight of leather used in the shoes of agricultural labourers, in harness and other things; in fact, every Government had looked anxiously and carefully into all their burdens. Having relieved them of the taxes bearing heavily upon agricultural horses, upon the insurance on farm-buildings and stock, Parliament was at length actually driven at last to small measures of relief: he recollected well the sneers which met the proposal to remove the duty on taxed carts and on shepherds' dogs. But, seriously, he begged to ask the noble Duke whether the agriculturists had not an infinitely greater interest in the well-being of the trade and commerce of the country, than in any amount of protection which the Legislature could give? Let them compare the market for agricultural produce, when the manufacturing districts were in a state of prosperity, with that same market when they were in distress; and the difference would show them how intimately the two interests were bound up together. As to the malt tax, which had been mentioned, the agriculturists had no just cause of complaint in this respect. Even assuming that the burden of the malt tax fell rather on the farmers than the consumers, in no one branch of taxation had relief been given to so great an extent as in that of malt. The repeal of the beer tax amounted to a relief of 35*s.* a quarter on barley; to this should be added the war tax on malt, repealed in 1816, amounting to 8*s.* per quarter. Altogether, the taxes repealed in this respect amounted to 43*s.* per quarter on barley. The present duty being 20*s.* 8*d.*, might be taken as 57 per cent. on the average price, while on port wine the duty amounted to 85*s.* per cent.; on English gins, to 333*s.* per cent.; on rum, to 407*s.* per cent.; on brandy, to 627*s.* per cent.; and on Geneva, to 930*s.* per cent. So much for the peculiar burden on the land of malt, compared with the burdens of other taxes falling on the community at large! Before he sat down, he wished to call the attention of their Lordships and the Government to a point of constitutional importance. When the Income Tax was imposed in 1842, it was justified as

being for the purpose of meeting a great emergency, a pressing emergency, a crisis; it was under those circumstances, that Her Majesty nobly and most patriotically waved her Royal prerogative, and offered to subject herself to her proportion of the tax—a thing which had never before been done by any of our Sovereigns, even in time of war. But in continuing the Property Tax, at present, no pressing emergency was alleged: it was continued for the purpose of enabling the Treasury to make experiments in taxation; the circumstances under which Her Majesty's offer was made, and was accepted, no longer existed. As he (Lord Monteagle) was the Minister who was charged with preparing the Civil List at the commencement of Her Majesty's reign, he was peculiarly acquainted with the economical principles on which it was framed; and he therefore felt that the income of the Sovereign ought not to be diminished. The pressing necessity being removed by the statement of which the imposition of this burden was defended, there was every reason why the Sovereign should not continue to be taxed in this manner. It was not consistent with the principle of the Constitution that the Sovereign should be subjected to taxation, and to this principle it was important that we should revert without delay.

The Earl of *Winchilsea* differed from the noble Duke. He thought that the gross frauds which were practised with respect to the auction duty justified the measure. Parties selling estates escaped the tax, putting them up to sale in order merely to ascertain their value, and selling them privately. Her Majesty's Ministers had, therefore, done right in proposing to repeal this tax. He would, however, support the noble Duke in any proposition to remove those taxes which pressed upon the land, which should be borne equally by all classes. He believed the agriculturists had derived benefit from the repeal of many of the duties. With regard to the import of live cattle, he did not think the agriculturists would suffer, but they would from the import of salted provisions. As to the Canada Corn Bill, he believed it would prove ultimately most prejudicial to the agricultural interest of this country. He agreed with the noble Lord (Monteagle) that all classes were bound together, and interested in the general prosperity of the country.

Lord *Stanley* said, he would only call their Lordships' attention to a few facts, in order to relieve the apprehension of the noble Earl as to the increase in the import of salted provisions. In 1843, the quantity of salted pork imported was 1,600 cwt.; in 1844, it was only 1,096 cwt. Of salted beef, the quantity imported in 1843 was 3,040 cwt.; in 1844, it was 989 cwt. Of bacon, the quantity in 1843 was 2,006 cwt.; in 1844, it was only 28 cwt. This was a ground upon which danger was apprehended to the agricultural interest, and it showed how unfounded were the apprehensions entertained upon the subject.

Lord *Beaumont* considered that the changeableness of Her Majesty's Government not only deranged agricultural operations, but interfered in some degree with commercial improvement. If they would pursue one principle, they would do less injury. The importation of live cattle operated to the injury of the breeders of cattle in this country. When they were brought up from the north to Leeds, for instance, the market was found to be overstocked with foreign cattle, and they were driven back. He agreed with the noble Lord (Lord Monteagle), that since the Canada Corn Bill there had not been much fluctuation in prices; but that was because the prices had been invariably low, and he did not think that it was a boon to the agriculturists to have invariably low prices. He wished to Heaven that the Government would come forward and proclaim, as he had no doubt they would do in the end, that they threw overboard the principle of protection, and no longer mislead those persons who hung upon a vain hope, in order that farmers might look about them and see whether they could not adopt some other mode of life. The agriculturists were pressed by a burden of local taxation amounting to 12,000,000*l.* annually, and amongst their burdens he reckoned the malt tax. He should vote with the noble Duke.

The Marquess of *Normanby* said, as his noble Friend was about to take the sense of the House, and as he (Lord Normanby) should vote against him, he wished to guard himself against being mixed up with the other subjects which had been introduced. He protested against the whole system on which the Budget had been framed. He objected not to reduction of duties, but to making the Income Tax perpetual for that object.

Their Lordships then divided upon

the Amendment:—Ayes 15; Noes 33: Majority 18.

House in Committee. Bill reported without amendment.

CUSTOMS (IMPORT DUTIES) BILL.] On the Motion that the House do now resolve itself into Committee,

The Duke of *Richmond* moved an Amendment to leave out "now," and insert "this day six months."

Original Motion affirmed. House in Committee.

The Duke of *Richmond* said, he had some Amendments to move. The noble Lord (Lord Monteagle) had said, that when the manufacturing interest flourished, the agricultural interest prospered too. He had felt that to be the case under the old system; but what was the case now? Was there ever a time in which the manufacturer was better off? Wheat was now 45*s.*, and that was not a remunerating price to the farmer. Then calculations were made of the number of live cattle imported, which, it was said, could not injure the agriculturists; but look at the prices. Quotations from Parliamentary Returns proved nothing; they were wrong from beginning to end. He said, "Do not talk of theories and calculations; look at the market prices." Then with regard to the Canada Corn Bill; did we get only Canada corn in this country? American wheat was ground in Canada, and sent over as Canadian flour, and thus the United States had greater privileges over our own Colonies. In the last Tariff some duties were put on, and now some were to be taken off, so that nobody knew how they stood. The Government ought not to have overthrown the farmers in this way, but should have given them every facility and inducement to cultivate and improve their lands, which could not be expected under the circumstances produced by the introduction of all these new measures; the effect of which, coupled with the refusal of the Government to relieve them of a portion of the county rate, would oblige the great body of the agricultural interest of this country to make a serious war against the malt tax, which he believed his noble Friend would find it difficult to resist.

Amendments negatived without division.

Bill reported.

House adjourned.

HOUSE OF COMMONS,

Monday, May 5, 1845.

MINUTES.] BILLS. *Public.*—1°. Universities of Scotland; Commons Inclosure; Drainage of Lands.

2°. Banking (Scotland); Railway Clauses Consolidation (Scotland) (No. 2).

Reported. — Maynooth College; Exchequer Bills (9,379,600).

Private.—1°. London and Croydon Railway Enlargement; London and Croydon Railway (Chatham and Gravesend); London and Croydon Railway (Maidstone, Ashford, and Tonbridge); London and Croydon Railway (Chatham to Chilham); London and Croydon Railway (Orpington Branch).

2°. Westminster Improvement (No. 2); South-Eastern Railway (Widening and Extension of the London and Greenwich Railway); South-Eastern Railway (Tunbridge to Tunbridge Wells); South-Eastern Railway (Ashford to Hastings); London and Norwich Direct Railway; North Wales Mineral Railway.

Reported.—Huddersfield and Sheffield Junction Railway (re-committed); Midland Railways (Syston to Peterborough); Dunstable and London and Birmingham Railway; Bedford, and London and Birmingham Railway; Standard Life Assurance Company; Watermen's Company (Poor's and Endowment Fund); Hemel Hempstead Small Tenements; Scarborough Water; Cromer Protection from the Sea; Harwell and Streatley Road.

3°. and passed: Newcastle-upon-Tyne Port; Southwark and Vauxhall Waterworks; Royal Naval School; Winwick Rectory; Crediton Small Debts; Middlesex County Rate; Edinburgh Life Assurance Company.

PETITIONS PRESENTED. By Mr. Dundas, from Melness, for better Observance of the Lord's Day.—By several hon. Members, from a great number of places (156 Petitions), against the Grant to Maynooth College.—By Sir R. Peel, Mr. Ross, and Lord J. Russell, from several places, in favour of the Grant to Maynooth College.—By Lord Worsley, from Glamford Briggs, and Horncastle, for Removal of Courts of Law and Equity to Inns of Court.—By Viscount Palmerston, and Lord Worsley, from several places, for Repeal or Alteration of Insolvent Debtors Act.—By Sir G. Clerk, from Edinburgh, against Alteration of Prisons (Scotland) Act.—By Lord Worsley, from several places, for Diminishing the Number of Public Houses.

GREAT WESTERN RAILWAY (IRELAND).] Mr. *French* was glad that the hon. Member for Oxford, the Chairman of the Standing Orders Committee, was in his place; as he wished to assure him and the House, that in bringing forward the Motion of which he had given notice, he did not mean to question the correctness of their decision in respect to the Irish Great Western Railway. On the contrary, he considered that they could not, consistently with their public duty, have arrived at any other decision; that although the omission of numbers on the plans laid before them were in themselves trifling and unimportant, they were so numerous that had they of their own authority recommended the Standing Orders to be dispensed with, they would have created a precedent which must of necessity prove most embarrassing to them in their future proceedings. He therefore again repeated, that he neither impugned

nor complained of their conduct; but he would respectfully submit to the House, that there were circumstances connected with the case before them which rendered it an exception to the general rule; and that the interests of the public, for whose protection the Standing Orders themselves were framed, imperatively demanded that permission should be given to proceed with this Bill. This was, indeed, a peculiar case; no landowner, occupier, or lessee, complained of injury or offered any opposition to the progress of this measure. The landowners of the province of Connaught had almost to a man declared in its favour. He held in his hand a declaration in approval of this line, signed by hundreds of the principal proprietors, headed by such men as Lords Sligo and Clancarty, who, differing as they did in politics, concurred in support of this measure. The inhabitants of the different towns and districts through which it was to pass had petitioned in its favour: its sole opponent was a canal company; and when the House was put in possession of the nature and circumstances of that opposition, he very much doubted whether they would consider that body entitled either to their regard or respect. The petitioner was a Mr. Macmullen, secretary to the canal company. This gentleman, having, as he stated, full powers, had entered into an agreement with him (Mr. French), that if certain conditions for the protection of the interests of the canal were acceded to by the promoters of the Irish Great Western Railway, all opposition should be withdrawn. The agreement was drawn by the Parliamentary agent of the canal company, and was assented to by the provisional committee of the Great Western Railway, without the alteration of a single word; and an intimation was conveyed to him, as chairman of the company, that the opposition was withdrawn. To his great surprise, at the moment the Committee, having examined into the case, were about to report that the Standing Orders had been complied with, Mr. Macmullen entered on his opposition. Had the canal company, as in honesty they were bound to do, adhered to the arrangements made by their authorized representative, the case was an unopposed one; or had they not deceived him, by entering into an agreement they had no intention to fulfil, he should not have been under the necessity of appealing to the indulgence of the House. He would then have been, as he now was, in a condition to show, to the satisfaction of the Committee on Private Bills, that the allegations made by the canal company were unfounded, and that the Standing Orders had been fully complied with. These allegations were all of one nature —that certain fields, or angles of fields, within the limits of deviation, were without numbers. By an error of their draughtsman, on the plans lodged in the county of Kildare, (through which county the railroad was not to run,) the limits of deviation were drawn on each side at one hundred and ten yards; whereas by this Bill they were restricted to one hundred yards, and to ten yards in towns. The angles of those fields did come within the apparent limits of deviation as drawn on the map, but not within the actual limits as designed by the Bill. In addition to this, it must be remembered that, as these lands were not required for the purpose of the railway, no notice had been given to their owners; their names did not appear in the book of reference; there was, therefore, no power to take any portion of them; and no injury could by possibility arise to any single individual. Would the House, under such circumstances, suffer the canal company to profit by their violation of agreement; or would they not rather show, by their decision, that faith must be kept by public companies as well as private individuals? It was not possible to exaggerate the importance of this project to Ireland; it had truly been called a national one, connecting the Irish sea with the Atlantic ocean, opening a district in Ireland the most neglected, but probably more abundant in resources than any other portion of the Empire. It had been approved of by the Board of Trade; it had been most favourably received by the public; 54,000 deposits on upwards of a million of money, all of which would be expended in the employment of the people, had been paid up; the Cashel Company, a great portion of whose line would be available to the public next spring, had agreed to invest 100,000*l.* in the undertaking. Four gentlemen of great experience in railway matters, directors of the Birmingham Railway, had agreed to act on their board; and if the House would sanction the Motion with which he was about to conclude, there could not be a shadow of doubt

entertained that this line would be speedily and effectually executed. He (Mr. French) should not detain them by dwelling on the necessity of employment for the people, as the first step towards the pacification of Ireland; without it all other measures, no matter how well intended, were valueless. Both Houses of Parliament had pledged themselves to make any sacrifice for the tranquillization of Ireland: he now tested the sincerity of their declarations. He asked not for a sacrifice of principles—he asked not for a sacrifice of privileges—he asked not for a sacrifice of money—he alone required at their hands a sacrifice of a few technicalities; and in the full assurance that it would not be denied, he begged leave to move—"That Leave be given to proceed with the Irish Great Western Railway."

Mr. *Estcourt* was not acquainted with the merits of the proposed railway, and therefore he could not go into them. It was sufficient for him, as a Member of the Committee on Standing Orders, to know, that in more than 300 instances, in the proposed plans and surveys, the Standing Orders had not been complied with. Many of these Standing Orders were of importance; and the Committee found that it was their duty to report, as they had done, that in this case the Standing Orders ought not to be dispensed with, and that the parties ought not to be allowed to proceed. To set aside this Report of the Committee, would be to establish a very dangerous precedent, which would have the effect of rendering the Reports of Committees on Standing Orders of very little value in the House.

Mr. *Redington* supported the Motion, which did not imply any, the slightest, imputation against the Committee on Standing Orders, which had only adhered, rigidly adhered, to its duties; but, if it could be shown that a too rigid adherence to the Standing Orders in this case would work great injustice to all concerned in promoting the measure, he hoped the House would interpose its authority, and allow the parties to proceed. This was not a new case. There were several on the Journals of the House in which it had complied with similar Motions under similar circumstances. Let the House also bear in mind, that in this case there was no complaint by landowners on the line of not having received due notice. In fact, the objections were in a great many instances technical; and, if the House adhered strictly to its Standing Orders, it would happen that, besides the great inconvenience of delaying the railway to another Session, its promoters would have to incur again all the expenses which they had been at from the commencement to the present moment. Under these circumstances, he did hope that the House would accede to the Motion.

Mr. *J. W. Patten* was opposed to the Motion. So far from the Committee having strained the Standing Orders against the proposed measure, they had done all in their power to help it on. Indeed, they had even gone out of their way to do so; but the instances of non-compliance were so numerous and so glaring, that it was impossible they could be passed over.

Mr. *Strutt* was sorry that any measure should be lost which was calculated to benefit Ireland; but, as a Member of the Committee on Standing Orders, he must say that no other course was left to them but to report that those Orders ought not to be dispensed with. It would establish a very dangerous precedent, if the House should set aside the Report of that Committee.

Viscount *Palmerston* felt the force of the objections against interfering with the Committee on Standing Orders; but if it should happen that the House should extend its indulgence to this project by assenting to the Motion before it, he trusted it would, should the case require it, extend a similar indulgence to a rival line—he alluded to the Dublin and Mullingar, Longford and Sligo line. He did not say this from any knowledge that there were any material defects in the plans and surveys of that line; but should there be any, and that project stand in the position in which the present now stood, he did hope it would obtain similar indulgence. For himself, he was disposed to adhere to the Standing Orders.

Mr. *Warburton* thought the safest course would be to adhere in all cases to the decision of the Committee on Standing Orders. If the present Motion were carried, its principle ought to be made retrospective, and applied to all the projects which had been rejected for non-compliance with the Standing Orders. If this were not done, the promoters of those projects would have much cause for complaint.

Mr. *George A. Hamilton* stated that he was certainly very averse to expressing any opinion that might appear contrary to the judgment of the Standing Orders Committee. But he could not avoid saying that he did feel that the question of a line of railway to the extreme west of Ireland might, and ought to be, looked upon rather as a national question, than as one merely relating to a Private Bill or a private railway. He must, however, add, that he entered fully into the considerations urged by the noble Lord the Member for Tiverton, with respect to the Railway Bill from Dublin to Mullingar. He thought that both projects ought to be submitted to a Committee of the House; that the whole question of a western railway in Ireland ought, if possible, to be disposed of by Parliament during the present Session. It was a matter of the utmost public importance that it should. He had himself, on a recent occasion, visited the West of Ireland, and when he recollected the feeling which prevailed among all classes in that part of Ireland, and their anxiety with regard to a railway, he earnestly hoped the House would pause before it rejected the proposition of his hon. Friend the Member for Roscommon.

Sir *T. Fremantle* did not wish that the vote which he should give in this case should influence that of any other hon. Member. He would vote in favour of the Motion. In the situation which he had the honour to hold, he thought it very desirable that every encouragement should be given to projects of this kind in Ireland. He should be very unwilling in ordinary cases to advise the House to decide against the Report of the Committee on Standing Orders; but considering how desirable it was that measures such as that to which the Motion referred should be encouraged in Ireland, he was anxious that both this and the competing line to which the noble Lord (Lord Palmerston) referred, should be sent to a Committee, where their merits might be examined, and both eventually sanctioned by the House if it saw good ground for it. At all events, if the House should extend its indulgence to the line then before them, he trusted it would grant a similar one to the rival line.

Sir *G. Grey* said, that if the House acceded to this Motion, the Standing Order Committees should be spared the trouble of going into cases for the purpose of ascertaining whether Standing Orders ought to be dispensed with; or perhaps it might be desirable that the House should agree to a Resolution that the Standing Orders should not be applied to Irish railway projects.

Lord *G. Somerset* said, that the right hon. and learned Gentleman who spoke last had completely anticipated what he was about to observe on the Motion. Of course he fully concurred in what the right Gentleman had said.

Sir *R. H. Inglis* said, that he never saw a case which furnished so many strong arguments against such a Motion as that before the House, as did the project to which it referred. There were in it not less than 300 instances of non-compliance with the Standing Orders. If the House agreed to this Motion, he did not see how it could refuse similar Motions in other cases.

The House divided on the Question that leave be given to proceed with the Great Western (Ireland) Railway:—Ayes 96; Noes 81: Majority 15.

List of the AYES.

Acton, Col.	Godson, R.
Adderly, C. B.	Gore, M.
Bagot, W.	Gore, R.
Bailey, J.	Greenall, P.
Barron, Sir H. W.	Gregory, W. H.
Bateson, T.	Grimston, Visct.
Bentinck, Lord G.	Guest, Sir J.
Beresford, Major	Hallyburton, Lord J.
Berkeley, hon. C.	Hamilton, J. H.
Berkeley, H. F.	Hamilton, Lord C.
Berkeley, G.	Hastie, A.
Blake, M. J.	Hayes, Sir E.
Bowes, J.	Henniker, Lord
Busfeild, W.	Hill, Lord M.
Butler, P. S.	Hodson, F.
Crew, R. S.	Howard, P. H.
Clayton, R. R.	Hussey, A.
Clifton, J. T.	Hussey, T.
Colborne, W. R.	Law, C. E.
Collins, W.	Leslie, C. P.
Colquhoun, J. C.	Lowther, hon. Col.
Coote, Sir C.	Mackenzie, T.
Courtenay, Lord	Mackinnon, W. J.
Crawford, W. S.	Macnamara, Major
Damer, hon. Col.	M'Taggart, Sir J.
Dick, Q.	Maule, right hon. F.
Divett, E.	Maxwell, J. P.
Douglas, Sir H.	Milnes, R. M.
Duncan, G.	Morris, D.
Dundas, Adm.	Murphy, F. S.
Escott, B.	Newry, Lord
Flower, Sir J.	Norreys, Sir D. J.
Forbes, W.	Northland, Visct.
Forman, T. S.	O'Brien, A. S.
Fremantle, Sir T.	O'Conor Don

O'Ferrall, H. M.
Phillpotts, J.
Polhill, F.
Ponsonby, hn. C.F.A.
Repton, G. W. J.
Roche, E. B.
Rous, Capt.
Shaw, F.
Sheil, R. L.
Smith, T. B. C.
Smythe, G.
Somers, J. P.
Stanton, Sir G.
Stewart, J.
Stock, Serg.
Taylor, E.
Tennent, J. E.
Thornhill, G.
Tollemache, J.
Trollope, Sir J.
Tufnell, H.
Tyrell, Sir J. T.
Wall, C. B.
Watson, W. H.
Yorke, H. R.
Young, J.

TELLERS.
French, F.
Redington, T. N.

List of the NOES.

Aldam, W.
Arbuthnott, T. H.
Arkwright, G.
Baldwin, B.
Barnard, E. G.
Beckett, W.
Blackburne, J. I.
Bouverie, hon. E.
Bowring, Dr.
Bright, J.
Brotherton, J.
Buck, L. W.
Chapman, A.
Childers, J. W.
Christie, W. D.
Clerk, Sir G.
Colebrooke, Sir T. E.
Compton, H. C.
Corry, H.
Dodd, G.
Douglas, Sir C.
Duncan, Visct.
Duncombe, T.
Duncombe, hon. O.
Egerton, W. T.
Elphinstone, H.
Entwisle, W.
Evans, W.
Fitzroy, Lord C.
Glynne, Sir S.
Greene, T.
Grey, Sir G.
Grosvenor, Lord R.
Hatton, Capt. V.
Heathcote, G. J.
Hepburn, Sir T. B.
Hobhouse, Sir J.
Howard, Sir H.
Hume, J.
Hutt, W.
Inglis, Sir R. H.
Irving, J.
James, Sir W. C.
Jermyn, Earl
Labouchere, H.
Lowther, Sir J. H.
Lygon, Gen.
Macaulay, T. B.
Manners, Lord C. S.
Mildmay, H. St. J.
Mitcalfe, H.
Morrison, J.
Mundy, E. M.
Napier, Sir. C
Ord, W.
Pakington, J. S.
Palmerston, Visct.
Parker, J.
Pendarves, E. W.
Pringle, A.
Pusey, P.
Rushbrooke, Col.
Russell, Lord J.
Rutherfurd, A.
Sanderson, R.
Somerset, Lord G.
Stansfield, W. R. C.
Stuart, Lord J.
Strutt, E.
Thesiger, Sir F.
Thornely, T.
Trevor, G. R.
Turner, E.
Vane, Lord H.
Waddington, H. S.
Walker, R.
Warburton, H.
Winnington, Sir T.
Wood, Col.
Wortley, J. S.
Wrightson, W. B.

TELLERS.
Estcourt, T. G. B.
Patten, J. W.

RAILWAY FARES.] Mr. *Morrison* wished to asked the right hon. Gentleman the Chairman of the Railway Committee to which the first batch of Railway Bills had been referred (Sir G. Grey), on what principle the Committee had fixed the tariff of tolls and charges for goods and passengers?

Sir *G. Grey* said, the rule which the Committee had taken for their guidance was, to inquire into the existing charges on several lines of railway, and to ascertain that the rates and charges proposed by the promoters of the Bill were not exorbitant. He was afraid that no uniform system could be adopted; but he thought it was desirable that before the House passed the Bills, it should know what were the actual rates and charges in the separate Bills which came under consideration. It would be extremely convenient if there were a clause in each Bill containing the table of fares.

MEMBERS SERVING ON COMMITTEES.] Mr. *Sotheron* appeared at the Bar, and stated that he had to Report from the Select Committee QQ, that the Committee having met that day at twelve o'clock, Mr. Bickham Escott, one of the Members of the said Committee, was not present, and did not attend the Committee.

Mr. *B. Escott* said, if it was the wish of the House, he was perfectly ready to state the reasons why he had not been present. If he had been aware that such notice would be taken of his non-attendance, he would certainly have been prepared with the correspondence which had passed between himself and the officer of the Select Committee on that subject; and he was quite sure that that correspondence would have satisfied any hon. Member that he had pursued the only course which, consistently with his duty, he could take. He would endeavour to state the substance of what had passed. He received a letter from a gentleman of the name of Creed, the officer, he believed, of the Committee of Selection, informing him that he had been appointed on a certain Committee for that day. He wrote back to Mr. Creed, stating that he should be unable to attend on that Committee, inasmuch as he was already engaged on two Committees, and that attendance on two Committees, added to his other Parliamentary duties, would not admit of his attending to any other business. He was informed by a second letter from that gentleman, that his letter had been submitted to the Committee of Selection, and that that Committee did not consider the excuse given for his non-attendance a suffi-

cient one. In reply to that letter he said, that he did not desire to be excused from performing any duty whatever, but that he thought he was the best judge as to whether he could discharge this additional duty, consistently with the proper performance of the other duties which devolved upon him. After making that second statement, he told his hon. Friend the Member for the University of Oxford, who, he believed, took a prominent part in the Committee of Selection, that it was utterly impossible for him to attend the Committee on that day; and had hoped that his simple statement that he was engaged on other Committees would be sufficient. He would only add, that he had not the slightest wish to get himself excused from any duty which the House in its wisdom thought fit to impose upon him; and if the House said that he ought to attend a Railway Committee, instead of attending the Committee on Scotch Prisons, he would be prepared to accede to their wish. It was quite impossible that he could attend both.

Mr. *Estcourt* was not sorry that this subject had been brought forward, as it was one of considerable importance with reference to the proper carrying out of the plan which the House had adopted with respect to Railway Bills. If his hon. Friend had objected to the panel, a great deal of inconvenience might have been saved. It must be apparent to the House that if a Gentleman deferred the announcement of his inability to serve on a Committee till a late period, it was impossible that he could be excused. The Committee of Selection having taken into consideration the hon. Gentleman's statement that he was serving on another Committee, thought, that though technically an excuse, it was not a sufficient one. All that the Committee wished for was, that the House would express its opinion on the subject, and by that opinion they would be ready to abide.

Mr. *Labouchere* said, it was perfectly obvious that the House had intended that attendance on these Committees should be compulsory; and an hon. Member's being upon another Committee, therefore, did not form the slightest excuse for his non-attendance. It would introduce great doubt and uncertainty to allow the reason which had been assigned as a sufficient excuse for absence.

Mr. *Hume* differed from the right hon. Gentleman altogether on this subject. There were two kinds of duty which hon. Members had to perform—one of a public nature, relating to Bills in which the public at large were interested; the other affecting private Bills and private individuals. He could not understand why public business should stand still, in order that private Bills might be proceeded with. He had felt the inconvenience of a system by which Members who were on a Public Committee were obliged to leave it, in order to attend a private one. He thought that no Member appointed to serve on a Public Committee ought to be put on a private one while that Public Committee was sitting. In his opinion there should be a call of the House, and every Member who was absent should be compelled to attend. It was not right to allow the public business to stand still while more than a hundred Members were absent, without, as far as he knew, any reason being assigned.

Sir. *J. Tyrrell* said, that if what had occurred was to be considered as an indication that there was a short supply of members for the Select Committee to resort to, and if an impartial rule were to be adopted, those Members who were in Ireland should be called upon to take their fair share of duty.

Lord *J. Russell* thought it was extremely desirable that this matter should be settled by the House on fair terms to all parties. He did not consider it a sufficient excuse that a Member was engaged on a Public Committee, because they all knew that attendance on Public Committees was not compulsory, and that Members after being appointed on them were at perfect liberty to leave London, and to absent themselves during the time of their sitting, and thereby might escape compliance with that Order, which the House intended should be compulsory. He agreed with the hon. Member for Montrose that, as they had adopted the rule of compulsory attendance, to say to one class of Members, "You shall attend on these Railway Committees, and your attendance shall be compulsory," while other Members, without any leave of absence, or any known and recognised cause, were absent from the House, was unjust; for it was obvious that their absence rendered the duties of other Members more onerous. He thanked th hon. Gentleman very much for raising this question; and he hoped that if compulsory attendance were to be continued, some means

would be adopted to secure the attendance of those who were absent without leave, and without any known reason or excuse.

Lord *G. Somerset* said, that as he was the original Mover of the Resolution, the House might expect him to say something on the subject. He certainly did understand, when that Resolution was carried, that the attendance on Railway Committees was to be compulsory, although it was true that Members had small thanks and very great trouble in attending those Committees. The attendance of the hon. Member for Winchester on the Committees he had mentioned, was not in his opinion of that stringent character which prevented his attendance on the Railway Committee; and he thought the hon. Member ought to give up his attendance on the other Committees, and obey the requisition of the Committee of Selection. There were no inquiries of more importance at present to the public than the various inquiries pending before Railway Committees; and, therefore, he thought it was not asking too much of the House to require the attendance of Members on Railway Committees, although they might be members of other Committees of a public character.

Dr. *Bowring* would put it to the House to consider of what value would the inquiries before Public Committees be, and what weight the Reports would have with the public, if the best Members were draughted off to serve on Railway Committees. It was plain Public Committees in such circumstances could not do their duty. He thought Public Committees ought to be constituted of a less number of members than at present.

Mr. *John S. Wortley* urged the importance of adhering to the rule already laid down with respect to attendance on Railway Committees.

Mr. *P. M. Stewart* thought this rather a tantalizing discussion to some hon. Members. He thought the question had been settled some time ago. He had been on the Scotch Prisons Committee, and the Colonial Accounts Committee, when he received the Order of the Committee of Selection, which plunged him into a Railway Committee, where there were ten bills and twenty lawyers. The Chairman of the Committee of Selection told him that he had no *locus standi* as a Member of Public Committees to claim exemption from serving on Railway Committees. If the House reversed their judgment, he trusted the operation of the reversal would be retrospective, so as to include himself and hon. Members who had been placed in similar circumstances. The best course, however, would be for the House to support their previous determination, and put their shoulder to the wheel, as had been said in moving the Resolution, otherwise the business could not be got through.

Captain *Berkeley* said, however anxious hon. Members might be to do their duties, the willing, certainly, ought not to be called to take a distasteful duty, because the unwilling kept out of the way. It seemed to him extraordinary that those hon. Members who thought proper to attend the Repeal Association, had not been summoned on one of these Railway Committees.

Mr. *Sotheron* thought some decision ought to be come to with respect to the hon. Member for Winchester, before the House proceeded further.

Mr. *Shaw* was of opinion that unless the Resolution were continued, and the attendance on Railway Committees made compulsory, it would be impossible to get through the business during the Session of Parliament.

Sir *G. Grey* said, that as the Chairman of the Committee would, according to the Orders of the House, have to report the absence of the hon. Member again to-morrow if he did not attend the Committee, he should move, if the noble Lord opposite did not, that the hon. Member be ordered to attend the Railway Committee of which he was a Member.

Lord *G. Somerset* said, that if the hon. Member would not make a declaration that he would attend, he should be ready to make a Motion to that effect.

Viscount *Castlereagh* wished to ask the noble Lord what course would be pursued with respect to those Members who had thought fit not to attend this Session; and whether he would be prepared to call on the House to order the Sergeant-at-Arms to take into custody such Members as refused to attend the Railway Committees on which they might be placed by the Committee of Selection, and whether the Sergeant-at-Arms would be sent over to Ireland take Members into custody. He agreed entirely that some understanding ought to be come to as to the mode of enforcing these attendances; and he could

not help expressing his opinion that it was extraordinary that no name from among those who absented themselves had been appointed by the Committee of Selection.

Mr. *M. Milnes* thought it would be very well if the House understood, without any possibility of misapprehension, what would take place if a Member refused to attend.

Lord *G. Somerset* said, that if any hon. Member refused to obey the Orders of the House, he ought to be committed by order of the House to the custody of the Sergeant-at-Arms. The question had not arisen, and therefore the House had not made any Resolution on the subject of the question now before them; but the House undoubtedly had the power, and if it should be necessary to call upon the House to put that power in motion, he was sure he should be supported by a very large majority in making that appeal.

Viscount *Castlereagh* said, his question was, whether, in the event of any of those Members who were now in Ireland refusing to attend, the Sergeant-at-Arms would be ordered to take them into custody?

Lord *G. Somerset* said, that if any Member, whether in Scotland, Ireland, or England, did so refuse, he should be ready to move that such Member be committed to the custody of the Sergeant-at-Arms.

Sir *G. Grey* said, as the hon. Member for Winchester did not seem disposed to make any declaration, he moved that the hon. Member be ordered to attend the Railway Committee on Group Q to-morrow.

Mr. *B. Escott* thought his explanation had not been understood. It was not that he preferred serving on one Committee rather than another, but that he found his attendance on the Railway Committee would be absolutely incompatible with his other duties. If the House, on dividing, should direct him to attend this Railway Committee, he would be most willing to do so.

No division, however, took place. The hon. Member was ordered to attend the Committee sitting on Group Q of Railways.

Education.] Mr. *Colquhoun* wished to ask a question of the right hon. the Chancellor of the Exchequer, of which he had given him private notice. He wished to know whether any intention existed to alter the arrangements under which the sum to be granted for education in England had hitherto been appropriated? There was some little uneasiness on the subject in the public mind.

The *Chancellor of the Exchequer* was not aware that there was any uneasiness in the public mind on this subject; but he was happy to state that there was no intention to alter the regulations under which the Vote for Education in England had been applied.

New Zealand—Captain Fitzroy.] Captain *Rous* said, that the House would be pleased to recollect that in the month of March last, on the occasion of a Motion on the subject of New Zealand, an opportunity had been taken of making a severe attack on his gallant friend, Cap tain Fitzroy, the Governor of that Colony. He was absent when that fierce and unexpected attack was made on the character of his gallant friend; but he consoled himself with the idea—["Order, order!"]

Mr. *Speaker* intimated to the hon. and gallant Member that he was out of order.

Captain *Rous* proceeded to state that he had heard with great pain that his gallant friend, Captain Fitzroy, was about to be superseded in the Government of New Zealand; and it was an additional pang that he had no opportunity of defending his gallant friend; and he, therefore, took that opportunity of asking a question on the subject. There were hon. Members on both sides of the House who knew Captain Fitzroy perfectly well; and he appealed to them, whether they had not found his gallant friend, both in his public and private capacity, a most honourable man? ["Order!"]

Mr. *Speaker* again intimated to the hon. and gallant Gentleman that he was quite out of order, when there was no question before the House, to make any statement, except what was necessary by way of explanation, to render the question he was about to put intelligible.

Captain *Rous* would ask, then, whether the report that Captain Fitzroy was about to be superseded in the Government of New Zealand was true or not?

Mr. *G. W. Hope* said, that his hon. and gallant Friend having given him notice of the question, he was prepared to give an answer. The hon. and gallant Member, in giving notice of the question, stated his pur-

pose was to inquire whether the grounds on which it was proposed to supersede his gallant friend were such as in any way to affect his character as a gentleman and an officer in Her Majesty's service? In the first place, he (Mr. Hope) might state that it was intended to appoint a successor to Captain Fitzroy in the government of New Zealand. The determination to take that step had been communicated to no one beyond the Members of the Government, except to Captain Fitzroy's nearest friends. He presumed, therefore, it was from them the hon. and gallant Member had obtained the information. The grounds on which that step was proposed to be taken, were such as in no way affected the honour and character of Captain Fitzroy as a gentleman, or an officer in Her Majesty's service. They were, moreover, in no way connected with the charges made against him as Governor of New Zealand, to which the hon. and gallant Member had referred; nor had the determination come to by the Government on the matter been communicated to any persons, except those before stated; and it had no reference whatever to any charges brought against Captain Fitzroy, in regard of those negotiations in which a slur had been cast upon his honour and character. The House would not wish him to go into a statement of the grounds on which it was proposed to supersede him; and, in fact, no public communication could be made of the circumstances, until the Government were prepared to give a full explanation of them. He might, however, be permitted, for the satisfaction of the hon. and gallant Member, to read a passage from the despatch sent out by the last New Zealand mail, which would show that the grounds on which Captain Fitzroy was superseded were not derogatory to his personal character. In that despatch of his noble Friend, it was stated:—

"The concern with which I announce this decision is greatly enhanced by the remembrance of the public spirit and disinterestedness with which you assumed this arduous duty, and of the personal sacrifices which you so liberally made on that account; nor can I omit to record that in whatever other respect our confidence in you may have been shaken, Her Majesty's Government retain the most implicit reliance on your personal character, and on your zeal for the Queen's service. You will, therefore, readily believe that I have acted on this occasion in reluctant submission to what I regard as an indispensable public duty."

Laws of Jersey.] Mr. *Roebuck* said he had received a communication, in which Mr. Carus Wilson stated he had been consigned to a felon's cell in Jersey, supplied with felon's food, and that all communication from outside with him was entirely stopped; that his wife had been unable to obtain admittance to him; and, in short, that he was shut out from all human converse, except with the gaoler. He (Mr. Roebuck) wished to ask the right hon. Gentleman whether he had had any information on the subject, or whether he had made inquiry upon it; and, if so, whether those statements were correct?

Sir *J. Graham* had received a letter containing complaints on the subject from Mr. Carus Wilson, as had also his right hon. Friend at the head of Her Majesty's Government; and he (Sir J. Graham) had thought it his duty to send copies of those letters to the Lieutenant Governor of Jersey, and he had directed him to inquire into the accuracy of the allegations contained in them, and to report to him immediately on the subject.

Registration (Ireland).] Mr. *E. B. Roche* wished to ask the right hon. Baronet whether it was the intention of the Government this Session to bring in an Act on the subject of the franchise and registration of voters in Ireland; and also, whether it was their intention to alter the Irish Municipal Reform Act, so as to place the municipal bodies of Ireland on a footing of equality with those of England?

Sir *R. Peel* said, he felt great difficulty in giving any assurance as to the time a particular Bill would be brought in. He could, however, assure the hon. Gentleman that it was the intention of the Government that business connected with Ireland should have full consideration. He intended to proceed in the first instance with the Maynooth Grant Bill; and on Friday next his hon. Friend the Secretary of State for the Home Department would state to the House the general outlines of the measure which the Government proposed with respect to academical education. He thought it desirable to give that Bill precedence over every other measure, excepting the Maynooth Grant Bill. He was much pressed the other night by the hon. Member for Kerry, who wished to know his intentions with respect to the introduction of a mea-

sure founded upon or connected with the Report of the Landlord and Tenant Commission in Ireland. He hoped at an early period after the recess some measure on the subject would be brought in, either in that or the other House of Parliament. In addition to these measures, they had prepared a measure on the subject of registration and municipal corporations in Ireland; but they thought it would be better first to proceed with those which he had first mentioned, as of most importance. With regard to the Municipal Corporation Bill, it was founded on the principle of giving the same equality of franchise with respect to municipal corporations in Ireland which existed in this country.

Lord *J. Russell* said, as he understood from the right hon. Baronet a Registration Bill was prepared for Ireland, he wished to know whether the franchise would be contained in it?

Sir *R. Peel:* Yes.

COMMITTALS BY POLICE MAGISTRATES.] Mr. *Hume* begged to call the attention of the Home Secretary to a subject which had excited great interest in the parish in which he resided. A gentleman named Mayer had been carried before Mr. Twyford, a police magistrate, for an assault which he had committed under very extenuating circumstances. Bail to any amount was offered by a number of individuals, but was refused; and Mr. Mayer was carried to prison, where he remained for three days, when the matter was brought before the Court of Queen's Bench, and bail was allowed. The circumstance having excited a strong sensation, he begged to ask whether the right hon. Gentleman intended to reconsider, with a view to its amendment, the extraordinary Act of Parliament under which the magistrate was said to have acted.

Sir *James Graham* said, he should to-morrow receive a deputation from the parish of Marylebone, on the subject, consisting of the rector and a deputation from the vestry; but at present he knew nothing of the case, except from the accounts in the public papers. When the matter should be brought before him, he would institute an inquiry; but he begged the House and the hon. Member to bear in mind that at present they had only an *ex-parte* statement before them, and had not yet received the explanation of the magistrate.

THE STANDING ORDERS — THE GREAT WESTERN (IRELAND) RAILWAY.] Mr. *Warburton* said, a matter had occurred during the Private Business, that evening, which he thought it important they should take into their consideration. There was a private Bill, the Irish Great Western Railway Bill, with respect to which the Standing Orders Committee had reported that it ought not to be proceeded with. Nevertheless, in the Paper of the Private Business of that day, there was a Notice by the hon. Member for Roscommon, that the promoters of this Bill should be permitted to proceed with it. That Notice came under discussion that evening; and the Chairman of the Standing Orders Committee, and several other Members, in speaking on the merits of the Motion, stated that in 300 cases they found the Standing Orders had not been complied with by the promoters of this Bill, and that of these thirty-four were of great importance. Other Gentlemen who had spoken in favour of the Motion, stated that it was a matter of the greatest importance for the welfare of Ireland, that, in spite of this non-compliance with the Standing Orders, the Bill should be proceeded with. The House then came to a vote on the Motion, and affirmed it by a majority of 97 to 81. He would not have called attention to the subject, except that a Member of the Government, the Secretary for Ireland, had spoken in favour of the Motion, and had voted for it. Now, when private solicitations had been made to him (Mr. Warburton) by many of his constituents to support similar Motions, and particularly in the case of the Birkenhead and Manchester Railway, when all parties admitted that there were only two or three cases in which the Standing Orders had not been complied with, his course had always been to endeavour to persuade them to accede to the Reports of the Standing Orders Committee, because in his opinion that House did not, and could not, decide such questions on the merits, but merely in favour of that party which had made the strictest canvass. He thought this was a question affecting the whole conduct of Private Bills in that House. He looked upon it that "chaos would come again," if, when the Repor

of the Standing Orders Committee came before that House, such conduct was adopted by a Member of the Administration. He, therefore, rose to ask the right hon. Gentleman at the head of the Government, what course he would recommend to those Gentlemen who came there anxious only to perform their duties, but who, when attempts were made in future to overthrow the Reports of the Standing Orders Committee, would be much less able to resist them after such a precedent had been set by a Member of the Government? He thought the greatest injustice would be done to the supporters of other Private Bills if such a gross infraction of the Standing Orders were overlooked; particularly after they had been so strictly enforced in the Birkenhead and Manchester, and other Railway Bills in a similar situation.

Sir *R. Peel* said, he was sure the hon. Member would feel that it was not in his power to control the course of any Members of the Administration with respect to any Private Bill. That must necessarily be left to his own sense of duty. But as an exemplification of his own opinion he would state, that when a gentleman much interested in favour of this Bill applied to him, saying that as he (Sir R. Peel) had always expressed a strong interest in Irish railways, he came to solicit his forbearance; he replied that he thought the Order of the Committee a judicious one, and as he had every confidence in the purity of their intentions and the justice of their conduct, he must refuse all interference. He would state also that he that morning had an interview with the Vice President of the Board of Trade on the subject, and being told that although this was a Private Bill, it had been usual for the Vice President of the Board of Trade or some other Member of the Government to support the general authority of Committees of that House; under such circumstances he (Sir R. Peel) requested his right hon. Friend to be in attendance, and vote in favour of the Report of the Standing Orders Committee. That was all he knew on the subject.

Mr. *Labouchere* said, he thought the right hon. Gentleman had misunderstood the complaint of his hon. Friend. The complaint was, not that the Secretary for Ireland, or any other Member of the Government, had taken his own view of a Private Bill, but that the Secretary for Ireland had come there in his capacity of Secretary of State for that country, and had thrown into the scale the weight of his official authority; that he had acted separately from the Government at large, and had advocated a measure which had been opposed by the noble Lord the Chancellor of the Duchy of Lancaster, and which the Government, as a Government, were not prepared to support. In saying this, the right hon. Gentleman the Secretary for Ireland must not think that he was speaking harshly. He wished him to use all fair means of gaining popularity in Ireland; but he hoped he would take it in good part, if he assured him he did not think the course he had taken was calculated to raise his consideration in the eyes even of those he had supported on that occasion. He thought the course the right hon. Gentleman had taken was very objectionable; and he did not recollect any precedent for it. He remembered, indeed, that when a former Secretary for Ireland had recommended a particular course with respect to a Bill, the right hon. Baronet (Sir R. Peel) had supported it; but here the Secretary for Ireland took a course not supported, but opposed, by the rest of the Government. He repeated, he thought this was most objectionable; and that they ought to apply the same rules to railways in Ireland as in this country. He had always thought it right to support as much as possible the decisions of the Standing Orders Committee; for he thought to make that House a Court of Appeal from that Committee, would produce nothing but confusion. Some of his Irish friends had canvassed him on this matter; but he replied that unless the Chairman of the Committee approved of the course proposed, he should feel it his duty to vote against it.

Mr. *B. Osborne* thought the Secretary for Ireland had exercised a sound discretion on this subject. His hon. Friend seemed to forget that the difficulty of complying with the Standing Orders was multiplied a hundred-fold in Ireland, in consequence of the middleman system, and other peculiarities of the tenure of land in that country. For this reason, he thought there was no analogy between this case and that of the Birkenhead and Manchester Railway; and that if they were to enforce the Standing Orders strictly, it was impossible to pass any Railway Bill for Ireland.

Mr. *B. Escott* said the right hon. Gentleman (Mr. Labouchere) was mistaken in supposing the Secretary for Ireland had acted in his official capacity. He himself heard that right hon. Gentleman state he did not wish to use any influence as Secretary for Ireland; and doubtless he had as much right to vote on the question as any other hon. Member who voted for it.

Lord *J. Russell* said, the hon. Gentleman (Mr. B. Osborne) appeared to think that projects of this kind could not be brought before Committees if they strictly enforced the Standing Orders. Now, it might be right, in consequence of the peculiarities of the tenure of land in Ireland, not to require strict compliance with the Standing Orders; but then there should be some rule of the House on the subject. It could not be right that the authority of this Committee should be strictly enforced with regard to all Railway Bills in England and Scotland, but should be set at nought with respect to Ireland. He hoped, therefore, the House would either come to some special Resolution with respect to Irish Railway Bills, or that in future the authority of the Committee would not be allowed to be set at nought by a Member of the Government.

Sir *T. Fremantle* could not remain silent under the imputation that he came down to that House to use his influence, as a Member of the Government, with respect to this Bill. If the noble Lord had been present, he would have found that the course he took did not justify such imputation. What his hon. Friend the Member for Winchester had stated was true. He stated to the House, that he rose merely as a private individual; that this was a matter on which every man should exercise his own discretion; and that he did not wish to say anything to affect the judgment of any person. He had merely mentioned that he was Secretary for Ireland to show his interest in the subject. He took the course he did, knowing that there was another competing Bill from the east to the west of Ireland; and believing that it was of great importance that they should both go before the Committee, in order that either, or both, might be passed in the present Session.

Mr. *Aglionby* was a Member of the Standing Orders Committee; but he had been accidentally prevented from attending when this Bill was under discussion. If the same rule was not to be applied to Irish railways as to English railways, then it would be better not to waste the time of the Committee in dealing with Irish railway matters at all. If the House, by reversing the decisions of the Committee, threw discredit on that Committee, it would be far better to do away with the rule appointing such Committee; but if the House were determined to continue the Committee in their functions, and to make their decisions of proper value and weight, let them lay down certain rules for their guidance, and let these rules in all cases be impartially adhered to. If such things as had just occurred were to be done, public confidence would be entirely lost. There was the Bill for the Manchester and Birkenhead Railway lost for this Session from noncompliance with the Standing Orders. Now, this undertaking was not so faulty by 50 per cent., as the Dublin and Galway Railway project. If the House wished to preserve a character for consistency, they must apply the same rule to all alike—they must not have one system for England, and another for Ireland.

Mr. *F. French* said, the grounds on which the Dublin and Galway matter had been brought forward in that House, were wholly distinct from the question of noncompliance with the Standing Orders. The authority of the Committee on Standing Orders had never been questioned. The supporters of the Motion for leave to proceed with the Dublin and Galway Bill, had submitted a case of gross fraud to the House; they did not dispute the propriety of the decision of the Standing Orders Committee, but they were prepared to show that none of the Orders had actually been violated, though he admitted they were apparently violated.

Mr. *J. W. Patten* said, the ground on which the House came to its recent decision was the consideration of the great importance to Ireland of this railway; but then he was bound to say there had been a practice revived with regard to this particular Bill that was seriously to be deprecated. He referred to the fact o Members having been canvassed to come down and vote; and if the House did not set its face against such a practice, it would be impossible for the Standing Orders or any other Committee to discharge fairly the duties entrusted to them. The duties of such Committees were suf-

ficiently onerous, and their position had not been improved by the circumstance of the House having already reversed their decisions three times. He had given notice for the Report of the Committee on this line to be printed, and the House would be in possession of the details of the question before hon. Members would be called upon to vote. If the Report was printed, and if hon. Members gave themselves the trouble to examine it carefully, they would see that the Committee had discharged their duty properly, and that the reversal of their decision was not proper.

Viscount *Howick* believed that the subject before the House was one of great public importance. It was clear that were they to pursue the course which had been that night adopted, they were in the way of bringing about a state of things which would lead to the most serious consequences. All the abuses of the old system, in reference to the conduct of Private Business, would be revived, if the House were not to determine against the recurrence of such decisions as had been that night agreed to. He had heard the great importance of railways to Ireland urged by hon. Members who had supported the Motion. No one felt that importance more than he did; but important as it was that Ireland should enjoy good railway communication, it was more important still that they should not inflict upon it the evils of a jobbing system of private legislation. By delaying this measure for a year, they would probably be doing Ireland a service; they would be giving it a lesson as to the necessity of adopting the same strictness in the mode of conducting business which was in England. If, however, the Standing Orders, as they at present stood, bore in any way harshly upon the peculiar circumstances of Ireland, then let them mitigate the severity of these rules so far as regarded that country; but let them not come, as they had that night done, and in peculiar isolated cases set aside the decisions of the Standing Orders Committee. Let them reflect upon the consequences of the vote which they had that evening come to. Even supposing the competing Bill to be as faulty as that which had been just discussed, they could not, in common justice to its promoters, refuse it the same indulgence. But this, the first step in a wrong course, ought to be retraced, and it was competent for them by the forms of the House to do so. The Bill would soon be presented. It would then be competent for those who entertained the same opinions relative to the matter as he did, to vote against its first reading; and were that course to be pursued, then he thought that they had a right to call upon the Government to support it. The distinction drawn by the right hon. Gentleman the Secretary for Ireland between his public and his private capacity was one, in his opinion, quite untenable. Would the right hon. Gentleman have so acted had he been simply the Member for Buckingham? No, it was as Secretary for Ireland that he had spoken and voted; but as Secretary for Ireland he could not divest himself of his official authority and influence. He held it, therefore, to be the duty of the right hon. Gentleman at the head of the Government, agreeing as he did with them generally as to the matter, to take care that those who held office under his Government, did not come forward in their official character to induce the House to come to decisions calculated to lead to injurious consequences hereafter.

Lord *Worsley* said, this was not the first instance during the present Session when he had heard of hon. Members of that House being canvassed to come down and vote on particular questions. He had himself always entertained a strong determination not to vote upon any Private Bill with the merits of which he was unacquainted. He came down to the House to-night just as strangers were ordered to withdraw, previous to the division on the Irish Great Western Railway Bill; but as he knew nothing of the merits of the question, he did not vote. If the practice of canvassing Members were persisted in, where were they to stop? Some individuals might not have sufficient delicacy to prevent them from canvassing Members who were on the Committees. They had lately effected great improvements in the mode of conducting railway business in that House, and he hoped the general feeling of hon. Gentlemen was opposed to the canvass of Members for their votes on particular Bills.

Mr. *T. Duncombe* considered the House was in a difficulty now, but that they would be in a still greater difficulty if they acted on the suggestion of the noble Member for Sunderland (Lord Howick). The House had, for an hour and a half,

discussed the question whether the Standing Orders should be dispensed with in the case of the Irish Great Western Railway, and they eventually came to the conclusion that those Orders should be dispensed with. He considered that no case had made out for dispensing with the Standing Orders, and he had therefore voted against the Motion. He thought the promoters of the Manchester and Birkenhead Railway had good ground for complaint; for in that case he had only moved that the regulations of the Standing Orders Committee should be relaxed. That Committee, he believed, discharged their duties in strict conformity with the directions of the House; but the question was, whether there was to be any appeal from the Committee. If there was to be no appeal, let them lay down the rule that the Report of the Committee should be final and conclusive; but it would be a mockery if the decisions of the House, reversing the decisions of the Committee, were to be rendered ineffectual in the manner proposed by the noble Lord (Lord Howick.) He thought the proper course would be to allow the Bill to go into Committee, where its merits could be fairly discussed and ascertained.

Subject dropped.

On the Question that the Order of the Day be read,

RECALL OF CAPTAIN FITZROY.] Captain *Rous* said, he did not rise with the intention of finding fault with Lord Stanley for superseding his gallant friend, Captain Fitzroy, for the best of all reasons — he was totally ignorant of the grounds of his dismissal; but his object was, when the supercession of Captain Fitzroy was made public, to be allowed to pay his tribute to the public worth of that gallant officer. Captain Fitzroy was a midshipman under his (Captain Rous's) command, in a corvette, in 1822 and 1823; and he would give the House his word that there was not a better seamen or officer in Her Majesty's navy. From 1831 to 1834, Captain Fitzroy commanded and surveyed the Coast of South America, from the River Plate to the Coast of Chili. In the performance of this arduous duty, as he could not complete the survey of Cape Horn without the assistance of a second vessel, he purchased and fitted out, at his own expense, a schooner. He likewise brought to England three natives of Terra del Fuego, whom he educated, that they might be useful in the event of Her Majesty's Government forming an establishment in that country; and the Admiralty refusing to send back these natives in a vessel of war, Captain Fitzroy was obliged to charter a merchant ship to convey them home. Not one sixpence was repaid to him, and he actually spent one-fifth of his private fortune in the service of the State. In 1843, Captain Fitzroy informed him, in that House, that Lord Stanley had offered him the government of New Zealand. He (Captain Rous) advised his gallant friend to refuse the appointment, knowing that an angel from heaven could not reconcile the differences between the natives, the missionaries, and the New Zealand Company. At that time, Captain Fitzroy had the honour of representing Durham, and he had a public income of 800*l.* per annum as a conservator of the River Mersey, and as one of the elder brethren of the Trinity House; all of which he gave up, besides a great sacrifice of private property, to accept the trifling balance of 400*l.* per annum. He mentioned these circumstances to show the House that Captain Fitzroy was always impressed with one idea—how he could best serve his country. As long as the New Zealand Company existed—as long as they had an *imperium in imperio* in that Colony—it was utterly impossible for any man to govern it. He wished to know why the New Zealand Company dared not bring forward their promised Motion? All he (Captain Rous) could assure them was, that, whenever they dared submit that Motion to the House, he would bring forward two charges against them — of getting money under illegal pretences, and of inveigling labourers and artificers from this country under promise of finding them employment and good wages, and then deserting them and leaving them to starve. Whenever the case of Captain Fitzroy's dismissal came before the House, he would be prepared to give an unbiassed opinion.

Mr. *Aglionby* said, he would not occupy the time of the House by any observations upon the remarks which had been somewhat irrelevantly introduced by the hon. and gallant Member for Westminster. He would only say, that the hon. and gallant Officer was entirely ignorant of the whole subject; and at the proper time

he should be prepared to meet the charges of the gallant Member.

Mr *R. Trevor* begged to thank the hon. Under Secretary for the Colonies (Mr. G. W. Hope) for the manner in which he had communicated to the friends of Captain Fitzroy the intention of the Government to recall that gallant Officer. He was well aware that the hon. and gallant Member for Westminster (Captain Rous) had for a long period taken a deep interest in the welfare of his gallant relative, Captain Fitzroy. He should be extremely sorry in any way to embarrass the Government, for the intimation he had received was made in the kindest spirit; and he took this opportunity of thanking the noble Lord at the head of the Colonial Department (Lord Stanley) for his courtesy. The hon. Under Secretary (Mr. G. W. Hope) had to-night read an extract from the despatch sent out to Captain Fitzroy. The only point on which Captain Fitzroy's family had entertained any anxiety was completely set at rest; for it was clear that nothing had occurred during the time he held the appointment in New Zealand, reflecting in any degree on his high character as a gentleman and an officer. He (Mr. Trevor) hoped the Government would be fortunate enough to secure the services of a gentleman who would be more successful in dealing with the difficulties of the situation. It was impossible to overstate the immense difficulties of the position Captain Fitzroy was called upon to fulfil when he assumed the government; and he would venture to say, that the Government would not obtain a more able or more honest servant than his gallant relative.

Mr. *Ward* could not allow this discussion to close without saying, that there was something absolutely unfair on the part of the hon. and gallant Member for Westminster (Captain Rous), in making a distinct charge against the New Zealand Company. He (Mr. Ward) had no connexion with that Company; but he believed they possessed the means of proving that almost every charge made against them had originated in their differences with the Government. When he saw Captain Fitzroy's friends coming forward in this manner, he thought, as an individual perfectly disinterested as to this question, he ought to say, that though there might be no imputation upon the moral character of Captain Fitzroy, or upon his character as an officer and a gentleman—a notion which no one could dream of entertaining—he believed that no measure of the Government had given more satisfaction to any person who had watched over the progress of our Colony in New Zealand, than the recall of Captain Fitzroy. The conduct of that gallant Officer had been most mischievous and unfortunate; and if his friends would parade his high character as a gentleman, he must say, that no man had ever shown so little fitness for the office to which he had unfortunately been appointed.

Sir *R. Inglis* had long known Captain Fitzroy, and he fully concurred in every word that had been said in praise of that gallant officer, not only in his public capacity, but in all the relations of private life. Nothing could be purer than the intentions with which he accepted office; and, as far as intentions went, no man could stand more completely exonerated than he did.

Mr. *Mangles* felt assured that the hon. and gallant Officer the Member for Westminster would, upon reflection, see the injustice of imputing to the New Zealand Company that they had raised money upon false pretences.

Mr. *G. W. Hope* said, that there had been nothing said against the private character of Captain Fitzroy. On the contrary, every credit was given to him for an anxious desire to discharge his duty; he had evinced great courage and had made great sacrifices.

MAYNOOTH COLLEGE.] Order of the Day read.

The Report on the Maynooth College Bill brought up, and Question put, that the Amendments be read a second time,

Mr. *S. Crawford* said, in proposing the Amendment of which he had given notice, that he did not bring forward that Amendment in any spirit of hostility to the Government; and he rejoiced to think that they contemplated other measures beneficial to Ireland. It was generally thought, and he concurred in the opinion, that there would be not only further grants to the Roman Catholics, but that there would be grants to the Protestant Dissenters also. This, however, he did not regard as matter which afforded any ground for congratulation, because he happened to be one of those who thought that there ought not to be

any State provision for religious purposes. He would never interfere with men's consciences; and it was an interference with conscience to call on any man to pay for the support of a Church from which he conscientiously dissented. It was tyranny to impose on any man a tax for not conforming to the State religion. The State had a right to levy taxes which were necessary for the maintenance of the laws and for the due administration of justice; but no Government had a right to levy any tax for the purpose of promoting the interests of any particular religion. He thought that the House of Commons was not an assembly, as it was now constituted, to which any religious body ought to defer in matters of doctrine or discipline. The House of Commons was at present composed of men who belonged to every variety of creed; and even the Established Church was divided on a vast variety of subjects, such as whether their ministers should preach in a white or in a black dress; whether they should have at the eastern ends of their churches a stone altar or a table; whether there should be an offertory; whether certain prayers should follow the sermon; where the baptismal font should be placed; and various other matters of that sort. These were subjects which occupied the attention of Gentlemen in that House as well as out of it; but the results of his own observation led him to this conclusion, that true religion was not to be advanced by the protection of the State, for when ministers of religion received allowances from the Government, they always appeared to be more anxious to serve the State than to serve the Church. If churches were founded by the State, full accommodation should be provided in them for all classes; but no adequate acommodation was at present provided in the churches for the poor, the greater part of the churches being divided into pews. The support of a church by the State led to domination; and the ministers of such a church generally sided against the rights of the poor. Such endowments were opposed to civil and religious liberty. Holding these views, he was of opinion that all State Establishments were against the rights of conscience, prevented the diffusion of truth, were unjust and impolitic; and the proposition which he should submit to the House was a declaration against all kinds of State Endowments. The latter part of his Motion preserved vested rights; and he proposed to enact that those who at present were entitled to emoluments arising from preferments should hold them for life. As these preferments became vacant he should propose that the emoluments should be received into the Consolidated Fund, to be appropriated as Parliament should direct. He should propose that the tithes should afterwards be paid to Commissioners, to be by them paid into the national funds, and be appropriated to such objects as to Parliament should seem meet. He had no idea of extinguishing the tithes for the benefit of the landlords. The sole ground of his opposition to the Maynooth grant was his adherence to the voluntary principle. He conceived that the Irish church could not stand unless it were supported in principle by grants made to other religious bodies; and, as he did not wish to support other religious institutions by endowment, he was anxious that no new grant should be given to any religious body in Ireland or England. He thought that there was a disposition in the leaders on the other side of the Channel to judge very unfairly of the English people. The greater part of the English people who opposed this grant opposed it on the principle of opposition to State establishments. It was, therefore, not fair to say that hostility to a measure on this ground was hostility to Ireland. Those who were opposed to monopolies should be opposed to a religious monopoly, which was as great an evil as any monopoly. He wished to establish the perfect equality of all sects, and not to have a provision by the State for any sect whatever. These were the grounds of his opposition to the grant, and it arose from no feeling of opposition to Ireland. He concluded with moving, as an Amendment—

"That any provision for the separate or exclusive education of any particular religious denomination, or for the support or endowment of any religious sect or sects by State grants, or funds raised by compulsory assessment, whether under the name of tithes, rents, cesses, taxes, *Regium Donum*, or under any other name or form whatever, is a violation of the rights of conscience, detrimental to religious truth, and dangerous to civil and religious freedom; and that all such establishments, grants, or endowments now in existence in the United Kingdom ought to be discontinued with as little delay as may be consistent with a due regard to the rights of those who have life interests in the same."

Mr. *Hindley* seconded the Motion.

Mr. *Williams* was extremely sorry that he could not go along with his hon. Friend. A question of so much importance ought to be brought before the House as a substantive Motion, and not as an Amendment. If his hon. Friend had restricted his Amendment to the first portion of it, that no public money should be voted out of the taxes for any purpose connected with religious establishments, he (Mr. Williams) would have voted for it. That would be a proper Amendment to the Bill before the House. He had supported the Bill, and would shortly state his reasons for having done so. He had supported it, because of the vast amount of money which was taken out of the pockets of Roman Catholics and Dissenters of Ireland and England, and appropriated to various religious purposes. He was astonished to see the hon. Baronet the Member for Oxford University, and the hon. Member for Kent, who were such stanch advocates of the interests of the Church of England, oppose this Bill. He would instance some of the sums voted out of the public money for the support of the Established Church, a part of that money coming out of the pockets of the Roman Catholics of Ireland and England. 1,500,000*l.* was paid for the building of new churches. 1,000,000*l.* had been taken out of the public funds on an understanding that it was to be repaid, to pay off the arrears of tithes to the clergy; but it had not been repaid. Then looking to the expenditure on the Colonies since 1826, upwards of 400,000*l.* had been paid out of the public taxes to our West India islands. We were maintaining bishops and clergy of the Church of England at the public expense in almost all our Colonies. 11,600*l.* had been voted for the clergy in Canada. The hon. Baronet the Member for Oxford University had opposed this Bill on the distinct avowal of his hostility to the Catholic religion. Why, then, did not that hon. Baronet object to the giving of 1,000*l.* a year to the Roman Catholic bishop of Quebec, and 70*l.* a year to the Roman Catholic bishop of Newfoundland? Was it because the rest of the 11,600*l.* a year was given to the clergy of the Established Church? Grants of public money for the support of the Church were spread over the whole of the Estimates. They were to be called on that night to vote 109*l.* for expenses for entertaining the Bishop of Gibraltar on board one of Her Majesty's steam vessels, on his passage from Malta to Lisbon. There were also other sums, amounting to 310*l.*, towards which the Roman Catholics and Dissenters had to pay, for expenses in conveying the same bishop on other excursions (of pleasure, he fancied); and very pleasant excursions no doubt they were. Then, again, there was an item of 147*l.* for expenses in entertaining the Bishop of Antigua on board Her Majesty's sloop of war. He found 180*l.* put down for the Bishop of Barbadoes, whose salary was 4,000*l.* a year. He would not, however, weary the House by going into any further details; but he must say, that the hon. Baronet, while such expenses as those which he had enumerated were defrayed out of the national income, was drawing the string a little too tight in refusing any grant to Maynooth. He had always objected to such grants of the public money; but he had met with little sympathy out of doors, and with no success in his opposition there. He should, however, support the proposed endowment of Maynooth, though he did so with pain, as he was aware that in giving his vote for the measure, he was acting in opposition to the views and sentiments of many persons whose opinions he respected.

Sir *R. Inglis* said, that as he had been so pointedly referred to both by word and gesture on the part of the hon. Member for Coventry, he could not refrain from making one or two observations in reply to what had fallen from him. The hon. Member had asked him how he could reconcile the course which he had taken with regard to the present measure, with his acquiescence in the taxation of his Roman Catholic fellow subjects, for the purpose of supporting the religion of others not of that religion? To this he had to reply, that he did not consent to tax the people of the United Kingdom for the support of any one sect; but he consented to expend a portion of the taxes generally levied upon the Church of England, because that Church was not a sect; and he denied the right of any other party to claim the same support. As to the maintenance of a Roman Catholic bishop of Quebec out of the taxes, he had repeatedly stated in that House his reason to be, that eighty years ago, when the province of Canada was annexed to the Crown under a specific Treaty, one of the terms of that

Treaty was, that the religion of the Church of Rome should be maintained there; and it was perfectly consistent with the principles which he had always avowed not to desire to disturb an arrangement guaranteed by a treaty, and yet to be opposed to the endowment of a Roman Catholic establishment within the limits of Her Majesty's dominions. He should not follow the hon. Member into the details of expense attendant upon the Colonial bishops' visitations, but he would merely deny that pleasure was the object, as the hon. Member had asserted, of those excursions; and observe, that those right rev. Prelates derived no more pleasure from them than every good and religious man would do from the performance of a duty. The hon. Member for Rochdale had brought forward a proposition in the form of an Amendment which, if affirmed, would strike at the root of all religion. The hon. Member would not deny that he was dealing with the oldest property in the kingdom; a property which referred back to twelve centuries for its foundation; and not only was this the most ancient of the properties of the kingdom, but also its disposition was made for the best and wisest purposes. By its means a body of highly educated men were placed at the service of the people, to whom they were good and useful religious ministers and teachers. The proposition, therefore, he regarded as nothing less than a blow struck at the root of a Church which Providence had established in the land to be a blessing and a guide to it; and, regarding the Amendment in that light, he must oppose it.

Dr. *Bowring* said, that the right hon. Baronet the Member for the University of Oxford occupied a most satisfactory and complacent position. He had set himself up as the standard of religious truth. He seemed to think that what he believed must necessarily be true, and what he disbelieved must necessarily be error; and that his conscience and his decision were to guide and rule the Legislature: this was an easy way of settling all questions. "Truth is with me; so give me patronage and protection: error is with all who oppose me; therefore, you must repudiate and exclude them." He (Dr. Bowring) did not think any man had a right to hold such language. The proposition which his hon. Friend the Member for Rochdale had brought before the House should have received his assent, if it had been brought forward as an abstract question; but as he had connected it with another measure before the House, a measure of conciliation and justice, which it would tend to impede or overthrow, he could not concur with him on the present occasion. He could not make civil privileges depend upon regious tests. He did not think, in that House, he had a right to ask any man whether he was a Protestant, a Roman Catholic, a Dissenter, a Mussulman, or a Jew? He had been told that he would sacrifice the honourable position which he held in the estimation of many of his constituents by the vote which he intended giving in favour of the measure proposed by the right hon. Baronet at the head of the Government; but he had said in reply to that, that he was prepared to run all the risk consequent upon that vote. He thought it was his mission to represent the tolerant — the charitable — the equitable spirit of his constituents; and not what he must deem their erroneous views and prejudiced opinions. He found much to condemn in the arguments by which the Bill had been opposed by its enemies, and in the temper in which it had been accepted by its friends. But it was not his duty to inquire into the aberrations of excited opinions. He asked not whether English bigots would be satisfied, or Irish repealers grateful. Was the measure just and wise? Ought it to conciliate the friendly feelings of the Irish people? Were the purposes of its promoters liberal? Would the Bill work good for Ireland and for the British nation? Would it effectually strengthen the Union? Would it remove grievances? If so, he cared not for the clamours of the intolerant here, nor for the intemperance of the uncandid elsewhere. The measure was in itself a good, and pregnant with other good. It gave something—it promised more—it was part and portion of a system of conciliation. It had been said that Ireland would be unthankful. That was no reason why England should be unjust. He considered the proposed measure a salutary one, because it held out the hand of friendship and good fellowship to Ireland—because it was a step in the right direction toward equality; and for his own part he confesed he had been delighted by the confession of the right hon. Baronet opposite, "that Ireland was not to be conciliated by violence." He fully counted upon the generosity of the people of Ireland to appreci-

ate properly the spirit in which those, on his (Dr. Bowring's) side of the House as well as the Government, entertained and introduced that question. He confessed it was distressing to see the excitement which was caused in this country by the agitation against the proposed measure; to see thousands of men banded together at public meetings, and showing that their hatred of Papists and Popery was the sole ground for their opposition to it. He shared in no such antipathies, and would make such hatred no groundwork for his legislation. He should be grieved to find the demons of bigotry and uncharitableness making their way to St. Stephen's from the heated atmosphere of Exeter Hall. The vote he intended to give might endanger or lose him his seat in that House. He should regret to be obliged to differ from a constituency to whom he owed so much, and for whom he entertained so great a feeling of attachment and gratitude; but he could not, in the fair discharge of a conscientious duty, act otherwise than give his full support to the measure of the right hon. Baronet in every stage of its progress through that House, and take upon himself all the consequences which a faithful adhesion to the principles of civil and religious liberty might bring down upon him.

General *Johnson* was sorry the Motion of the hon. Member for Rochdale was so worded, as, in its present form, he could not give it his support. He had no objection to a grant to Maynooth, even of a much larger amount than that proposed, if taken from the ecclesiastical revenues of Ireland. He only objected to the source from which it was intended to take it.

Mr. *Hume* would take that opportunity of making a suggestion to the right hon. Baronet at the head of the Government, and also of asking him whether it would not be desirable to have laymen educated in the Roman Catholic College of Maynooth, as well as those intended for the priesthood? He had understood that formerly laymen were educated in it, and it would be, in his opinion, most advisable if it were still to be continued a general educational institution, and to have it open, as it were, for the education of all classes, laymen as well as those intended for the ecclesiastical profession. He had received several letters in reference to his observations on this subject in that House, and he had always expressed his belief that this was an educational establishment, and, therefore, he denied that the grant to it was an endowment, as it had been called. He had been always opposed to what was so designated. He supported that Bill with great satisfaction, because he was favourable to the extension of education in every part of the globe, as a means of enabling people to become better subjects; and if education was so important an object to the people, how much more essential was it that those who taught 7,000,000 of the Irish people should themselves be enlightened and educated! He believed, in his support of this measure, like his hon. Friend near him (Dr. Bowring), he should not agree with many of his constituents; but he would do the Presbyterian portion of them the justice to say that they did not concur in the opposition to the Bill—the great majority of the petitions which he had presented against it having been from Wesleyans, Independents, and Members of the Free Church. He regretted that the Protestant Dissenters in this country should make so bad a return to the Roman Catholics, for the manner in which the latter had come forward to assist them in their struggles for civil and religious rights. The hon. Baronet opposite, the Member for Oxford, had raised a cry against this measure, which would be equally efficient against the Protestant Church Establishment of this country; and he should take care, lest it might be used against the Church of England, as it was now against the Maynooth grant. For his own part, he was not indisposed to see the principle contended for carried out; for he was generally of opinion that religion was not benefited by a connexion with the State. He could not vote for the proposition of his hon. Friend, because it was an Amendment that might endanger the success of the Bill then under the consideration of the House; but if his hon. Friend would bring it forward as a separate question, he should give it his support.

Sir *R. Peel:* The question which has been put to me by the hon. Member involves a matter of considerable importance. I apprehend that there is nothing whatever in former acts, nor in the present measure, necessarily imposing an obligation upon the State to provide education exclusively for ministers of the Roman Catholic religion. If the education of

Maynooth has been of an exclusive kind, and if it has been practically confined to the priesthood, I must say that the Roman Catholic body are not the party who are responsible for that circumstance. I stated on a former evening, that when in 1795 the proposal was made for establishing a college for the education of Roman Catholics only, it was not then implied that the students should necessarily be candidates for the priesthood. But, the original proposal being for an institution for the education of Roman Catholics only, Mr. Grattan presented a petition from the Roman Catholic body, protesting against the exclusive character intended to be given to the College. He referred to the admission of Roman Catholics into the University of Dublin, and quoted the petition, which expressed a wish that the new institution about to be founded should not be for Roman Catholics only, but that Protestants should be admitted into it, because of the great advantages which they conceived would result from the joint education of the two classes. The Legislature, however, did not act upon that petition of the Roman Catholic body, but determined that the College should be confined to the education of Roman Catholics, without specifying that it was necessarily intended for the priesthood; and so the Act passed. In point of fact, the original superintendence of the College did attach a lay school to it; and it was in consequence of the interference of the Executive that that lay school was suppressed. Therefore there was no desire upon the part of the Roman Catholics that the institution should be exclusively for the priesthood, and there was nothing in the present Bill imposing any such obligation. But, practically, it has been so; and I believe will continue to be so. But before hon. Gentlemen condemn the exclusive character of that institution, I would beg to read a letter which has been quoted in the course of this debate, addressed by Mr. Burke to a Roman Catholic nobleman in 1779, stating very strong reasons, if there were to be a College at Maynooth to educate the Roman Catholics, why it should be confined to the priesthood. Mr. Burke said:—

"When we are to provide for the education of any body of men, we ought seriously to consider the particular functions they are to perform in life. A Roman Catholic clergyman is the minister of a very ritual religion, and, by his profession, subject to many restraints. His life is a life full of strict observances, and his duties are of a laborious nature towards himself, and of the highest possible trust towards others. The duty of confession alone is sufficient to set in the strongest light the necessity of his having an appropriate mode of education. If a Roman Catholic clergyman, intended for celibacy and the functions of confession, is not strictly bred in a seminary where these things are respected, inculcated, and enforced as sacred, and not made the subject of derision and obloquy, he will be ill fitted for the former, and the latter will be indeed in his hands a terrible instrument."

That was the opinion of Mr. Burke—an opinion which I apprehend mainly influenced the Executive Government of the day to give to the institution, not only an exclusive character so far as Roman Catholics were concerned, but exclusive as regarded the education of the priesthood. Mr. Burke went on to say in the same letter that he doubted whether it would be an advantage to laymen to be subjected to the same rules and discipline as those students who were intended for the Church. I have, therefore, only to repeat that there is nothing in this Bill which imposes the necessity of maintaining the exclusive ecclesiastical character of the College of Maynooth; but I should deceive the House were I to hold out the expectation that there was any likelihood of a departure from the course which has hitherto been pursued. Indeed, upon reading and considering the arguments of Mr. Burke in favour of an exclusively ecclesiastical education, I am disposed to admit that they are deserving of great weight.

Mr. *Hindley* would not detain the House long, but he could not allow that opportunity to pass without protesting against the charge of ingratitude which had been made against the Dissenters. They had given their aid in obtaining Catholic Emancipation; but they felt that it was utterly impossible, if the Bill before the House passed, to resist the endowment of the Roman Catholic priests of Ireland. He contended for the voluntary principle; and believed it was impossible to govern Ireland by maintaining the Church of the minority as the endowed Church of that country. He believed the voluntary system was the only one by which they could really carry out the vital principles of the Christian religion. He had, on a former occasion, shown that between three and

four millions of money had been raised in this country on the voluntary principle. Its triumph was manifest, from the progress of the London Missionary Society, as would appear from the following facts: for the first ten years after the formation of that society, the sum which had been raised for evangelizing the heathen abroad, amounted to 47,000*l.*; in the next ten years 87,000*l.* were raised; in the third ten years the sum which the Society obtained was 280,000*l.*; in the fourth ten years the amount had reached 407,000*l.*; and in the last ten years it had been about 800,000*l.* He had that day been attending the annual meeting of the Wesleyan Missionary Society, and it was there stated that the sum of 105,000*l.* had been raised for the conversion of the heathen within the last year; of which amount about 1,200*l.* had been contributed by the emancipated slaves in the island of Jamaica; thus showing that these Christians had found the power of religion to be so strong, that they had felt themselves constrained to apply so large a portion of their pecuniary resources for its promotion. The strength of the voluntary principle was such, that he was convinced it would be equal to the preservation and promotion of the Christian religion, under the blessing of God. He was delighted to read in one of the journals of the day, a statement which had been made by a right rev. Prelate in another place, who said that the time had arrived when the Church should no longer put its confidence in Princes, but trust to the blessing of God, and endeavour to be established in the hearts of the people. And, wishing as he did, prosperity to the Church of England, he should rejoice to see the time when she would be so supported, and be left to pursue "the even tenor of her way," trusting solely to the blessing of the Almighty. An argument had been used that it was necessary for the well-being of the State, that the Church should be united to it. His opinion was that the connexion between the two ought not to be continued; its object was to link together things which could not in their own nature be properly connected—the one was of a spiritual character, whilst the other belonged solely to temporal power—the one had reference to divine and eternal things, and the other concerned only the affairs of time and temporal objects.

The House divided on the Question that the words proposed stand part of the Question:—Ayes 141: Noes 2; Majority 139.

List of the NOES.

	TELLERS.
Duncombe, T.	Crawford, S.
Wakley, T.	Hindley, C.

Amendments read a second time. Bill to be read a third time.

PORTENDIC CLAIMS.] On the Motion that the House should resolve itself into a Committee of Supply,

Viscount *Palmerston* rose to put a question on the subject of the claims of certain merchants for compensation, in consequence of the injury sustained by them at Portendic. It was a subject which had often been discussed in that House. He understood the Government of France came to an agreement to refer the question to the Government of Prussia, and that reference having been made, the Government of Prussia had now given its reward. He wished to ask the right hon. Baronet—and as he had not given notice of the question, he should not be surprised if the right hon. Baronet required time to give his answer—he, however, wished to ask him when the Government would be prepared to lay before the House, as he took it for granted they would do, the Papers connected with that subject? He said he took it for granted that they would do so, because not only had the matter been frequently under discussion, but it also involved doctrines on the question of blockade, which might be important to be known to that House. He supposed the Government of the King of Prussia had given some opinion upon those doctrines; and he should wish the right hon. Baronet, either then or at any future time, to answer the question which he had put to him.

Sir *R. Peel* said, that at an early period he should have no objection to lay on the Table of the House the official documents on the subject. The matter would shortly be brought to a close, and soon after the Whitsun recess he would lay the Papers in question on the Table.

COURT MARTIAL ON LIEUTENANT BRIDGE.] Captain *Pechell* wished to put a question to the right hon. Baronet (Sir G. Cockburn) on the subject of a court martial which had been held on board the *Cor-*

morant, in the Pacific, on Lieutenant Bridge, for a breach of the 23rd Article of War. He understood that officer had been dismissed the service, and that the captain of the ship had been a member of the court martial. He wished to ask the right hon. and gallant Officer whether the statement was correct, and whether the Board of Admiralty considered such proceedings to be regular? If not, he would then inquire what steps they had taken to recompense Lieutenant Bridge for all the calamities which had befallen him.

Sir *G. Cockburn* said, it was true that a court martial had been held upon the officer named by the hon. and gallant Member, and that he had been found guilty of a breach of the Article referred to. He had, in consequence, been dismissed the ship, but not the service. The captain of the ship was a member of the court martial; but that was very common in the service. If the hon. and gallant Officer would look to the words of the Act, he would see that the Admiralty had no jurisdiction—the interference of the Admiralty was particularly guarded against. The officer, he begged to repeat, had not been dismissed the service, and would, he had no doubt, be employed again.

Captain *Pechell* wished to know whether the hon. and gallant Officer considered the proceeding regular?

Sir *G. Cockburn* thought the proceeding perfectly regular. The captain was obliged to sit on the court martial, and the members of that court were the only persons who had a right to judge of his capability to sit amongst them.

Captain *Pechell* inquired if Lieutenant Bridge had been appointed to another ship?

Sir *G. Cockburn* said he had not, but he was quite eligible, and probably would be.

SUPPLY—NAVY ESTIMATES—THE SLAVE TRADE.] House in Committee of Supply.

On the Question that 610,545*l.* be granted for the use of Her Majesty, for the purchase of provisions and victualling stores, &c., for seamen and marines employed in Her Majesty's Fleet,

Viscount *Palmerston* said: I am anxious to make a few observations on the subject of the Returns as to the Slave Trade. I first wish to draw attention to the first Return of Vessels, which has not been framed in a very clear way. The vessels captured in one year are mixed with those of another year; and I think the Return might have been done and made up in a clearer manner. But there is also a Return of the Number of Slaves landed on the Continent and Islands of America in each year from 1815 to 1843; and that does not tally, in any degree, with the information which is given by the documents actually referred to by the notes appended to the Return itself. Without going into the detail of all the discrepancies, I will just take one instance in regard to the slaves landed at the Havannah and Cuba in 1836, 37, 38, 39, 40, and 41. By this Return, the number landed appears to have been 49,992; and by the documents and papers which are actually referred to in the Return, the number appears to have been upwards of 82,000 for the same period. I am now talking of the Return stated by the Commissioners at the Havannah in a despatch quoted in the notes at the end of this Return; and those Commissioners not only give 82,000 as the number landed in those years, but they say this number is only three-fourths of the number landed in the island. Therefore, if the additional number is added to the 82,000 for the purpose of making up the total, it appears by the despatches of the Commissioners, that 109,000 were landed during those years; whilst the Return makes out that only 49,000 were landed. The gentleman in that Department of the Foreign Office, whose duty it was to make out these Returns, is a person of great diligence, and exceedingly zealous in the matter; but there certainly must have been some very unusual oversight in regard to this Return. It seems to me that he might produce an amended Return which would be more satisfactory. In looking over the Slave Trade Papers, there are one or two points I wish to take this opportunity of adverting to, as this will be the only occasion upon which my observations will regularly belong to the subject before the House. I mention the subject, because a part of this Vote applies to the providing of cruisers to be employed in the suppression of the Slave Trade. I am sorry to see, according to the last Reports from every quarter—from Cuba, from Brazil, and from the Coast of Africa, that Slave Trade is on the increase. But, before I touch upon that part of the subject, there is one point to which I wish to call the attention of the Government. It is a

matter which has frequently been brought under the notice of the present and former Governments. It is stated that there are in Cuba and at Surinam a considerable number of negroes who, at different periods, had been brought from British possessions to the Spanish and Dutch Colonies, before the emancipation of our negroes, and who consequently remain now in a state of slavery; whereas if they had been left in the British Colonies they would have been included in the operation of the Act of Emancipation. This subject was brought under our consideration at the period when we were in office; and in the cases in which the statement was made, I thought it was the duty of the Government to endeavour to obtain the liberation of the individuals with respect to whom that statement was made. I am sorry, however, to see that the present Government have taken a different view of the matter; for I find a despatch from the Earl of Aberdeen, dated the 28th of August, 1843, to the Commissioner at Surinam, Mr. Schenley, to this effect—Mr. Schenley, I should say, had represented that there were several negroes, and he mentioned one in particular, who stood in that predicament—and Lord Aberdeen, in reply, says:—

"I referred to Her Majesty's Advocate General your despatches, dated the 15th and 26th of July of last year, together with the previous Correspondence extant in this office on the subject of Barbadoes negroes said to be held in slavery in Surinam. I have now to state to you for your information and guidance that the Queen's Advocate has reported it to be his opinion that Her Majesty's Government is not called upon to take any steps respecting these negroes. The Queen's Advocate observes that if there had been any reason to believe that any of the individuals in question were free-born subjects of Her Majesty, or that they had been emancipated and become free by the abolition of slavery throughout the British dominions, the endeavours of Her Majesty's Government to rescue them from the state of slavery in which they are now held could not have been too urgent or strenuous;—but that it is not the duty of Her Majesty's Government to insist on the liberation of persons, or the descendants of persons, who were removed as slaves into a foreign colony before slavery was abolished by British law, and who have continued as slaves in a foreign country down to the present time. With regard to the individual mentioned in your despatch of the 26th July, 1842, the Queen's Advocate observes that he is stated by you to be a very intelligent man, and to be, moreover, acting in the capacity of head mason with several apprentices, and, therefore, not a very young man; but that it would seem that he cannot recollect the date when he was brought from Barbadoes to Surinam. And the Queen's Advocate observes that this fact tends strongly to show that he must have left Barbadoes long before the abolition of slavery in that island. Under these circumstances, you will not consider yourself authorized to take any further measures with respect to that individual."

There is another despatch to the Commissioners at the Havannah, laying down the same doctrines as to Cuba, and stating that the Government did not intend to take any steps for the liberation of the slaves who were similarly situated in Cuba. It may appear very presumptuous for me to dispute the law laid down by so high an authority as the Queen's Advocate General; but I think that he must entirely have forgotten that there was another law passed with regard to this matter, previous to the abolition of slavery—in fact, ever since 1806 or 1807—by which it was illegal for any British subject to carry any slave out of any British possession for the purpose of sending him as a slave to any foreign possession. And, therefore, it may be presumed, unless the contrary be shown, that these British negroes who are held in slavery in Cuba and Surinam, were taken out of British possessions and carried into Foreign possessions at a time when it was against the law that such should be done. If a British subject was carried out of the island where he was born or had lived, and against the law was transferred to a foreign master, it would be the most cruel injustice towards that British subject for the British Government to neglect demanding his freedom, and thereby to deprive him of those rights which he would enjoy if he had remained under British law in the island to which he properly belonged. This is not a question that applies to one or two individuals. I believe there are many hundreds of persons in the situation of the individual to whom I allude. The Commissioners state that in Cuba the British language is spoken by the greater part of the negroes in many estates, thus proving that they were originally brought from British Colonies. The Queen's Advocate's opinion is tantamount to saying that Her Majesty's Ministers are not called upon to afford whatever protection is in the power of the British Government to give to any British subject who labours under any injustice, from which they have the means of freeing him; and there certainly cannot be a greater injustice, inflicted on

any man than retaining him in slavery, when according to the law of his country he is entitled to his freedom. I do hope that Her Majesty's Government will reconsider the decision which they have adopted, in consequence of the opinions given on this question by the Queen's Advocate. It is not compulsory on the Government to adopt the decision of the Queen's Advocate. They are at liberty to adopt or reject that opinion, as they please; for in either case the responsibility of what they do rests with them, and not with the Queen's Advocate. I should wish them to refer back to the Law Officers of the Crown, the question as arising out of the Acts of 1806 and 1807; and I think the Government ought to take a more enlarged view of the duties which they owe towards a born subject of the British Crown, than they would appear to have hitherto done. But there is another class of persons also, whose situation engaged the attention of the late Government. These were the slaves who had been captured in slave ships taken under existing Treaties, and who had been emancipated at Brazil, or in the Spanish or Dutch possessions, under the sentence of the Mixed Courts of Commission, and who are known by the name of *Emancipados*. It is well known that these individuals, though nominally emancipated, are in effect held as slaves: the Spanish and Brazilian Governments, under the pretence of fitting them for liberty, hire them out to individuals for terms of five years, and receive a sum of money for their services on each occasion of their being rehired at the end of every five years. They are, in fact, worse than slaves; as no person has an interest in their well being. Now, I am glad to perceive that the Government have succeeded, or at least did succeed, during the Governorship of General Valdes in Cuba, in obtaining certificates of freedom for some of those persons, which placed them in the situation of free and independent agents; but that Governor objected to give certificates of freedom to all who were entitled to receive them; as he said such a sweeping emancipation would produce a convulsion in the island, thus showing that the number of negroes thus circumstanced was very considerable. I fear the present Governor of Cuba is a very different man from General Valdes. I fear that General O'Donnell has returned to all the bad and corrupt practices of former times—that he encourages the Slave Trade, and that he takes money for permitting the landing of slaves; and I, therefore, fear that he would be very much indisposed to grant any farther certificates of freedom. I trust the Government will not relax in its endeavours to procure real liberty for all the negroes circumstanced in the manner I have mentioned, and that the whole number of the emancipados will be placed in the condition of freemen. I have great pleasure in perceiving that the Government of Brazil have consented that all individuals emancipated by the Court of Mixed Commission shall be made free. There are a great number of negroes so circumstanced, and I trust their situation will not be lost sight of. This disposes of two classes of negroes to whom I wished to direct attention; but there is also a third class much more numerous than either of the former, and that is the class of negroes who have been brought into Cuba and into Brazil at the period when it was forbidden by the laws of those countries that any such importations should take place, and who are, therefore, by the law of the land in which they reside, really entitled to their freedom. By the edict of Ferdinand, every negro brought into any Spanish possession, after the 2nd of May, 1820 following, was to be declared free from the moment that he landed in a Spanish possession; and the existence of that law is not denied by the Spanish Government, nor is it repudiated by the Governors of their Colonies; for in Cuba, General Valdes did actually set free a great number of newly landed Africans under that very edict. Now, we applied to the Government of Spain to sign a Convention, of which we sent them a draft, the purport of which was, that the Mixed Commission at the Havannah should be authorized to inquire into the cases of negroes who were in the condition of those to whom the Governor had, on his own responsibility, in obedience to the abovementioned edict, given their freedom, and to admit their claim to be released from captivity. We thought that whereas the Governor of Cuba had acknowledged practically the existence of that law, the British and Spanish Commissioners sitting at the Havannah should have power to emancipate all negroes so situated, just as the Governor had emancipated a portion of those who had recently been landed. The Spanish Governor gave no answer to that demand on our part, until after we had left office; but at the end of 1841, in a long

note on the subject, they refused to comply with our proposal. Their answer was no refutation of our right to make the demand; but Her Majesty's Government thought proper to acquiesce in that refusal, and dropped all further negotiations on the subject. Instead of making further negotiation on the point, they accepted from the Spanish Government an engagement to pass a new law inflicting additional punishment on the persons engaged in Slave Trade. No doubt they were bound by the Treaty of 1835 to pass such a law; and as they had never done so, it was proper to require them to fulfil that engagement. But I am sorry to say that I attach no value whatever to any law that the Spanish Government may pass on the subject of Slave Trade; because while the law of Ferdinand remains a dead letter, no other law is likely to be carried into execution; and if that law were faithfully enforced, no other enactment would be necessary on the subject. But I do think that Her Majesty's Government too easily acquiesced in that refusal of the Spanish Government; and even if they had thought fit to wave the demand with regard to the negroes now in Cuba, who are as much entitled to their liberty as any Spanish resident in the island, and that by virtue of the Treaty concluded with Great Britain—if, I say, they had waved the demand with regard to the negroes so circumstanced, I think they ought to have insisted on obtaining for the Mixed Commission power to decide on the cases of all negroes who may hereafter be brought into Cuba contrary to law. It is very well for the Spanish Government to object to having the officers of Foreign Powers mixed up with matters of internal jurisdiction in Cuba; but they are too late with such objections, inasmuch as the Treaty already existing between this country and Spain establishes a Mixed Foreign and Spanish jurisdiction in Cuba. The proposed Treaty was not intended to extend that jurisdiction beyond the subject-matter of its present competence, but was merely devised to make it more complete. It was said, that we may trust to the present Governor of Cuba; but my answer to that is, that I have no reliance on him in carrying the Treaty with Great Britain into execution. I want a British authority to be employed in effecting that object. For, after all, what did General Valdes do? He confiscated some negroes brought into Cuba, in violation of the Spanish law. He professed to give them their liberty, to which they were by law entitled; but in what way did he do so? Why, he said, these are men brought from the wilds of Africa, and totally unfit for the state of society in which they are thrown. We must deal with them as we do with the emancipados. We must apprentice them. And, accordingly, the female slaves were hired—that is to say, sold—out to householders to act as domestic servants, without any security being given that they are not permanently to remain in a state of slavery; while the males, as the best means, forsooth, of making them permanently useful members of society, were sent out to work in lighting the streets. Now, I don't think that exactly the way to confer upon them that moral, and religious, and mechanical instruction which is to make them useful members of society; and I see no reason why our Government should not have required from the Spanish Government the liberation of all slaves brought into Cuba in violation of the law of Spain. They should, in my opinion, have insisted on the Mixed Commission being authorized to interfere in the cases of these slaves. If the negroes had been captured on board a ship, the Mixed Commission would have had an undoubted right to deal with them; and when they are captured on shore, after being introduced into the island from a slave ship, the same right should be acknowledged. Now, I am sorry to say that, since the present Government have been in office, the Slave Trade is increasing in every country in which it is carried on. I certainly had been apprehensive that the fact would be so; but it is in the power of Her Majesty's Government to take measures which would effectually put an end to this disgraceful and disgusting crime. The most effectual measure is, no doubt, the mutual Right of Search; and, by the by, I would say, with regard to that subject, that there is a Report from the Commissioners at Rio which shows the importance of the Treaty with France by which the Right of Search was given. In July, 1843, the Commissioners at Rio state that French vessels are beginning to be more and more employed in the Slave Trade from the coast of Africa to Brazil; and that this has taken place under the impression that the British cruisers have lately received orders not to intercept or search any vessel sailing under the flag of France. But, indeed, the Return which has been laid on the Table of the House strongly demonstrates the truth of this matter. In the

year 1830, the number of negroes imported was 37,000, and the number fell very rapidly, even according to this Return, after the Treaty had been signed by France. But the Right of Search, it is to be hoped, is a question which should no longer be in doubt; for if the Commissioners now sitting examined, as I have been informed they have, officers who were employed on the coast of Africa, they would learn that without a mutual Right of Search it would be a complete farce to continue employing cruisers on the African coast. But, as I was about observing, there is another measure for suppressing the Slave Trade, that would not fail to prove exceedingly effectual; I allude to the destruction of the slave baracoons on the Western Coast of Africa. The Commissioners at Sierra Leone tell you, that in 1842 or 1843, the Slave Trade had very much diminished. They say that diminution arose from three causes. One of these was, I think, the greater vigilance exercised by the Governor in Cuba; another was, I forget what; but the third and the principal cause was, the destruction of the baracoons. They dwell at length on that subject, and tell you that the most effectual mode of putting an end to the Slave Trade must be, the destruction of the baracoons. Now, when the present Government came into office, the first thing they did was to write a letter condemning the burning of these baracoons, and stating, that such a proceeding was against the law of nations. I think that a most extraordinary doctrine, and one that I should very little expect would be put forward, either by the Government of England or by the Government of France. When the British Government thought it was very desirable to annex the territory of Scinde to the British Empire in India, the Ameers, who governed that country, were required to sign a Treaty. They shuffled, and evaded the demand; they fought—were conquered, and taken prisoners, and deprived of their possessions. When that mode of proceeding was found fault with, the right hon. Baronet defended it, and said that the laws of nations, which governed the international intercourse of European States, could not be considered applicable to a semibarbarous state of society such as that existing in Scinde. When the Government wished to get possession of Scinde, they thought this doctrine very good; but they did not consider it at all applicable to the case of the half naked and uncivilized chiefs of Africa, though there was no intention of taking any of their territory from them, and though the only object in view was to put an end to an abominable and detestable traffic. Now, the Government of France found an island in the Pacific, happy and tranquil, offending nobody, quarrelling with nobody, and only desiring to be left alone. They picked a quarrel with the people of that island, and forced on the Queen a protection which she did not want. The Queen fled, and has refused to come back to Tahiti; and the inhabitants are encamped on the hills in a state of warfare, because they do not choose to submit to French domination. When the French wanted to take possession of Tahiti, they set the law of nations at defiance; and I would wish to know if the French Government concur with the British Government in thinking that the destruction of the slave baracoons on the coast of Africa could not be allowed, because it is not in conformity with the law of nations? Now, if our Government want to co-operate with the Government of France for the suppression of the Slave Trade, and if the Government of France be equally desirous to co-operate with the Government of this country for the same purpose, let them unite in sweeping from the coast of Africa those dens of iniquity. Let them get the consent of the African chiefs if they can; but if they cannot, let the baracoons, at any rate, be destroyed. If the two countries unite determinedly for this purpose, the question of the Right of Search will cease to be a practical question, and will resolve itself into one of theory. I am very anxious to bring this matter under the consideration of the Government, because I do think that although when the subject is mooted in this House nothing can be more satisfactory than the language held out by the Members of the Government, still, when it is necessary to act, the same energy cannot be perceived. The strongest expressions of condemnation of the Slave Trade are used in this House; but, when we look to see what the Government has done, we find that they are going step by step to undo every thing that has been done by their predecessors for the purpose of preventing this abominable traffic, and that they refuse to take any forward step likely to lead to its suppression. But, when they have done all that I have now pointed out to them—when they have succeeded in putting down the Slave Trade on the Coast of Africa—there will still remain

enough to occupy them in the eastern and northern parts of that continent. In Egypt the Pacha promised several years ago to relinquish the razzias, by which he is in the habit of recruiting his army in the interior; and, nevertheless, in 1843, one of the most disgraceful of scenes of that kind ever committed was perpetrated by his troops. We have also evidence that in Muscat the Slave Trade is going on to a great extent. The Imaum had engaged that the trade to Christian nations should cease; but he is still carrying it on, at least his subjects are, with the aid of the Portuguese; not to mention the great annual exportation of slaves from his territories to the Coast of India. Sir, I have not made these observations in any spirit which should at all indispose the Government to take up the subject in earnest. I do not wish to make it the occasion of either a personal or a party attack; but I could not forbear to say what I have said of the shortcomings of the Government in these matters. I would, however, most anxiously recommend to the consideration of the right hon. Baronet the case of those British subjects who are illegally detained in slavery in Cuba and in Surinam, and the expediency of establishing a tribunal which should give real and practical freedom to the negroes detained in those places, but entitled to their liberty by decrees of Mixed Commissions. I would also ask him to consider the question of the destruction of the baracoons; and I should hope that the French and English Governments united would be able to achieve that entire suppression of the Slave Trade which would be more glorious than any action of which either country is yet able to boast. I would further ask the right hon. Baronet one question bearing on this subject. By the Treaty of Washington the American Government engaged, in the first place, to send a small force to the Coast of Africa, and the two parties to the Treaty agreed to unite in strong and earnest recommendation to those Governments which still carried on the Slave Trade, for the purpose of inducing them to desist from that criminal practice. Now, I should like to ask whether those Governments have made any joint representation to the Brazilian or to the Spanish Government; and if so, I should presume that there would be no objection to produce the Papers.

Sir *R. Peel* said: It is not possible to condemn the noble Lord's observations as not being perfectly in order; for in a discussion on the Navy Estimates it is scarcely possible to say what subjects may or may not be properly introduced. But the noble Lord would certainly have acted more in accordance with usage and with the general practice of the House, had he informed the House that he intended to discuss on this occasion the general practice of the Government with respect to the Slave Trade; but neither directly nor indirectly has the noble Lord given me any such notice. I have not the Papers to refer to; nor had I the slightest reason to expect that the noble Lord would have taken advantage on this occasion of the right which he undoubtedly possesses Considering, too, the advantage which may be taken in Cuba or Brazil of any admission made by the Minister, it requires some consideration before I answer the noble Lord on this subject. With respect to the mode of making out the Returns, I thought I had communicated with the noble Lord on that point, and that he was satisfied with the mode adopted. If he had made any suggestion on the subject, it should have been acted on; and even now, if he will point out any alteration he suggests in the mode, or will clear up anything that is equivocal, I will communicate with the officer in the Foreign Office who has the Returns under his charge, and see that the alteration is made. With respect to the case of the negroes in Surinam, I cannot hesitate for a moment in saying, that if there has been any misapprehension, on the part of an officer of the Government, as to the rights of the persons now in slavery in Surinam, those rights ought not to be forfeited on that account. If he thinks that the Act of 1806 or 1807 has not been sufficiently adverted to—if it has any bearing on the case of that slave to whom the noble Lord referred as being an example—if there has been any such inadvertence, which, from the high character of the Queen's Advocate, I can scarcely suppose to have been the case, and it is sufficient to constitute a claim for the interference of the British Government—I can inform the noble Lord that that negro who is now in slavery, or in a condition approaching to it, shall not be prejudiced on that account. Sir, the part of the speech of the noble Lord which gave me most satisfaction was, that in which he stated that a cordial union be-

tween France and England for the suppression of the Slave Trade, would do more towards that object than anything else. In that sentiment of the noble Lord I cordially concur. I believe that a cordial union between those two great Powers, considering the extent of the marine of France—an union for the purpose of enforcing the obligations of Treaties, and of compelling the observance of the law—I concur with him in thinking that it would have more effect than any other measure. Nor do I despair of such an union being affected, and that France and England will together be able to concert such measures on the Coast of Africa as will be successful. I have reason to believe that the Slave Trade on the eastern coast is not carried on to the same extent as it was formerly. Within the last six months more success has attended the efforts of the British cruisers; and there have been of late some remarkable instances of the capture of slavers. I fear this increased success may be partly attributed to the increase of the traffic; but I cannot help thinking at the same time that the success which has attended our cruisers will strike a decisive blow at the continuance of the traffic. With regard to the position of the slaves in Cuba, I am certainly not prepared for the discussion now, and I would much rather not on this occasion express an opinion. I consider the position of this question as regards Cuba to be most unsatisfactory; and I am forced to admit that since the retirement of General Valdez, there has been a great deterioration. The noble Lord professes to be generally satisfied with the case of the Emancipados; and with regard to the case of the slaves, as distinguished from these, the noble Lord refers to proposals which were made before he left office, and which have not been complied with. I remember the general character of those proposals; but I am not prepared, as he gave no notice, and I therefore speak with some diffidence as to matters which occurred three years since, and not in my own department; and I repeat, that an additional difficulty arises out of the danger there is that admission made now, if indiscreet, may be taken advantage of. My impression as regards those proposals is, that after consulting the highest legal authorities as to whether we could compel their adoption by the Spanish Government, the answer was, that we were not entitled by any Treaty to compel them. Greatly as the proposals of the noble Lord might be for the interests of humanity, the real question was as to whether we could compel their adoption. There was, I believe, every disposition on our part to enforce those proposals, if we could do so consistently with existing Treaties and the law of nations; but my impression, speaking from memory, is, that the highest legal authorities were of opinion that we could not. With regard to the destruction of the baracoons, notwithstanding every wish on the score of considerations of pure humanity and of disinterested policy to suppress the trade, yet I cannot think that we are entitled to violate the general law in order to do it. I think such a course would ultimately retard rather than advance our object, and tend to paralyse rather than increase our power. The noble Lord calls on us to destroy the baracoons, whether justified by the law or not, and he points to the cases of Scinde and Tahiti. I quite concur with the noble Lord that we ought, by Treaties with the neighbouring Powers, to get possession of those baracoons, and destroy them. I trust England and France will unite to obtain that power. I attach the greatest importance to that mode of proceeding. I believe that Treaties which would enable those Powers to effect that object, would be more efficacious than the greatest maritime efforts they could make. That is a subject which has had the consideration of the two Governments; and I do not despair of making some arrangement by which, with the consent of the native Powers, we may obtain the right to interfere and suppress those baracoons; but I cannot agree that, even for the purpose of putting an end to the Slave Trade, we should be justified in disregarding the general laws which bind nations. Sir, if the noble Lord will give me an opportunity of entering more fully into explanations, I shall be ready to do so; but on the present occasion, when I have not present to my memory all the circumstances which have happened from time to time, I think it better to abstain. But if there is any information which can be given, and the noble Lord will only point out in what way it can be made intelligible, I can assure him that no effort on my part shall be spared to procure it for him.

Viscount *Palmerston* said: I am led to think that it was just as well that I did

not give notice to the right hon. Gentleman, as the want of it enables him to avoid being driven at present into a discussion of matters in which, as he properly said, a casual word dropped by him might be misinterpreted by Foreign Governments. My object was merely to draw attention to certain points; and I did not desire to bring on a discussion upon the general subject. What I meant with regard to the baracoons, was the very course suggested by the right hon. Gentleman; and I am fully convinced that it would be found to be practicable in almost every case; that is to say, that we should hold out to the native chiefs inducements, and I am confident small inducements would be sufficient, to lead them to permit us to destroy the baracoons on their coasts. But what I insist upon is this, that if in any case there were a chief who clung so to the Slave Trade that he refused to take our offers to permit us to destroy these baracoons, such conduct on his part would afford a case which would justify us in destroying them by an act of war. The objection raised as to the law of nations is simply this—that you have not the right of landing on the territory of an independent chief with the design of there executing a purpose to which he is no party. But if there is an African chief so barbarous that he will not concur with his neighbours in co-operating with you in the suppression of the Slave Trade, then, I say, you would be justified in compelling him by force to do so. Such conduct, on the part of that chief, would be a case of war within the law of nations. Your war with him would be carried on for a purpose which would not interfere with his independence or with his territorial possessions. But I cannot see anything in the law of nations to prevent you from having recourse to hostile means to compel such a chief to concur in a legitimate purpose. There is no doubt that if France and England combined for the purpose, they would be able to hold out to all these chiefs inducements to co-operate with them in securing the great and humane object which both have in view, The Return made to my Motion, I consider an imperfect Return. I had moved for a Return to be made up from documents in possession of the Government; and it is clear, from the notes added to this Return, that there are documents in possession of the Government which contain information which the Return does not contain.

Mr. *Hume* was sorry to differ from the noble Lord. He agreed with him that it was a most desirable object to put an end to the Slave Trade and slavery. No man had done more with a view to that object than the noble Lord. Throughout the whole of the period during which he presided at the Foreign Office, his attention was unremittingly devoted to this matter. But we had been carrying out the views of the noble Lord at great expense and great risk, without being able to effect our object. The trade in slaves remained, he feared, as rife to-day as it was when England began her operations. He was not quite clear that the information they had, in many instances, could be depended upon. If correct information were supplied, he was afraid it would be found that they had added to the evils of the traffic, instead of suppressing it. When the noble Lord spoke of treaties with the African chiefs, he thought it would be impossible to effect much in that way; for so long as the chiefs could make it profitable to carry on the trade, it would be next to impossible to make them desist. If they burnt the baracoons one week, in the course of a few weeks the chiefs would be in possession of others. If they drove them from one point of the coast, they would soon be found at another, engaged in their nefarious traffic. This was a matter in which the exertions of England had been much misdirected. If half the time, trouble, and expense had been devoted to the increase of free labour in our own Colonies, we should have done much more in effecting the suppression of the Slave Trade, than we can now console ourselves with having done. As no good had resulted from the system so long pursued, a new course must now be taken. England was entitled to the credit of having—in the cause of philanthropy—in the cause of negro emancipation—done more than any other country in the world. He hoped that the attention of Government would be directed to the increase of free labour in the Colonies, both east and west. When they had deprived Brazil of its sugar and coffee market, in which it now commanded a good price for its productions, and rendered the Colonies of England able to produce those articles more cheaply than at present, they would succeed, and not till then, in putting a stop to the Slave Trade.

Mr. *Warburton* observed, that the

Papers to which the noble Lord referred, gave the following results, which he would read to the House. It appeared that from 1815 to 1843, according to the imperfect returns which the Government had been able to obtain, the number of negroes transported from Africa to Cuba and Brazil amounted to 639,145; and, according to the notes appended to those Returns, in order to arrive at the real number, they were instructed to multiply by two, which gave as the whole number so transported 1,280,000. Now the total number of those liberated by British cruisers was only 18,042, which number was, as compared with 1,280,000, as one was to 72; and one in 72 was less than 1½ per cent. 1½ per cent. being the total number liberated, how small a proportion was that to the whole number shipped from Africa! And yet such was the result of our vast expenditure and sacrifices, in prohibiting free trade between this country and those countries which abounded in tropical produce, but with which a free intercourse had been prohibited because they carried on the Slave Trade. 1½ per cent. was all that they had liberated! Were they not to look at this fact, and argue from it for the future? The noble Lord on the one side, and the right hon. Baronet on the other, told them that if France and England would only cordially unite to put down the Slave Trade, their conjoint efforts would speedily be attended with the most triumphant results; for the Slave Trade would become so hazardous, that an end would soon be put to it. To this he would only reply, after the manner of the Spartan—"if." When they cordially united to put down the Slave Trade, they might possibly achieve much. As yet they had done but very little, as the returns but too clearly indicated. If they took the experience of the past, from 1815 to 1842, and considered that during the next thirty years different results might be attained, then he agreed with the noble Lord that it might be desirable that there should be such a union, if such consequences were to follow. But who expected that such would be the case? At present, by the course the Government were pursuing, they were only exasperating those amongst whom they were endeavouring, by futile means, to put down the slave traffic and the institution of slavery; while gentler means and more kindly representations would induce them to abandon both the trade and the institution.

Viscount *Palmerston* thought that the hon. Member for Kendal did not take all the proper items into his account, in stating the number of slaves who had been emancipated by the endeavours of the British Government. The number to which the hon. Gentleman alluded was the number of those emancipated and landed upon the American coast; but besides this number they had between 60,000 and 70,000 who had been landed at Sierra Leone. The hon. Gentleman should also recollect that a great number of vessels were captured upon the coast of Africa without any slaves on board, and which, if not captured, would have returned laden with cargoes of 500 or 600 slaves a piece. The hon. Gentleman, if he took these things into the account, would find that a much larger per centage of negroes than that which he had just mentioned, were either emancipated from the slave ships, or saved from capture and bondage.

Sir *Charles Napier* agreed with the hon. Member for Kendal, with the noble Lord, and with the right hon. Baronet. He thought that if France and England should really and seriously combine to put down the Slave Trade, their object could soon be effected; but he did not think that France would ever come to such an agreement. That country was now trying to do away with the Right of Search. What plan France proposed as a substitute for that right, was not yet divulged; but it appeared that there was some plan in view. But if the right hon. Baronet would give up all that humbug of destroying baracoons, and all that humbug about doing what might be construed as being contrary to the law of nations, which he considered altogether humbug in reference to this matter, and embark a couple of thousand of black troops from the West Indies on board a few steam boats, and let them make a run from one end of the coast of Africa to the other, and destroy, in their progress, every place from which slaves were exported, his word for it, they would soon put an end to the Slave Trade. There was no use of mystifying the matter; for that was the plain English of it. Let them compare his plan with that which, for so many years, had been perseveringly pursued. Let them look at the loss of

life which had been sustained on the part of this country, and at the enormous loss of life amongst the negroes, by the multitudes thrown overboard and otherwise destroyed, and they could not fail to be convinced that there was really more inhumanity in the mode in which they had been attempting to suppress the traffic, than if they resorted to the plan which he had just suggested. Let them get a sufficient number of black troops, and land them at every obnoxious point of the coast, and they would soon put an end to the Slave Trade.

Captain *Pechell* believed that the accounts of slaves landed were imperfect; and the only course left for the House to pursue was to discuss the question on the Returns, which they found to give the most correct account. He differed from the hon. Member for Montrose, as to the attempts which this country had made to put down the traffic in slaves. In his opinion, our operations had been most successful. He found that from 1831 to 1835 there were 75 vessels taken with slaves, and only 7 empty; and those who had the boldness and the courage to seize the empty ones, had been charged with damages to a considerable amount. From 1836 to 1841, 104 vessels were taken with slaves, and 143 empty. These were statements which he hoped the hon. Member for Montrose would take notice of. During the two last years of the late Government, the years 1840 and 1841, only 8 vessels loaded with slaves were captured, and 48 empty, by one account, and 54 by another, but say 50 empty, were also taken during these two years. This showed that the exertions of this country had been eminently successful. Now, the right hon. Gentleman who introduced the Estimates, and called for an increased Vote for the Naval Service, assigned, amongst other things, as a reason for making such a call, that additional armaments were to be sent to the Coast of Africa for the suppression of the Slave Trade. He would, therefore, call upon the Government to explain to the House whether they (the Government) had been successful in the new policy adopted, of concentrating their forces in the African seas, by the withdrawal of our cruisers from the Coast of Brazil, from Cuba, and from the Gulf of Mexico? Had our cruisers, under these circumstances, been successful in reducing the number of negroes embarked? He would also ask, whether instructions had been sent to their officer on the Coast of Africa, in pursuance of any understanding with France, in regard to visiting and landing on the coast, for the purpose of liberating slaves from the baracoons? In these particulars had their efforts been successful? If they now relaxed their system, this increased estimate which was called for would be of no use whatever; and it therefore remained for the House to be very vigilant as to giving their vote for it. The Government must take care lest in this matter they lowered the character of this nation amongst Foreign Powers, or did anything to compromise the cause of humanity, in which this country had always taken so prominent and distinguished a part. He would ask the gallant Admiral what was the cause at the present moment of ships not being able to get an equipment of men? There was a great complaint, not only of the want of seamen, but also of the description of men. Captains were now in the habit of inquiring what had become of the old-fashioned seamen? A great difficulty seemed now to exist in manning the ships. The gallant Admiral educated every year hundreds of gunners. What had become of them? The gallant Admiral might think, that if he hoisted his flag to-morrow, he would be able to find men enough. He hoped he was not deceived.

Sir *G. Cockburn* said, that the gallant Officer had alluded, in the first part of his speech, to the success which had attended their efforts on the Coast of Africa, and was anxious to know whether they (the Government) were now succeeding in their efforts. He had great pleasure in being able to say, that during the last year, they had exceeded even their expectations. From news lately received from the Coast of Africa, it appeared that seventeen vessels had been recently captured, and he was very happy to say that three vessels out of every four were without slaves. This was the best proof which could be adduced of the value of having a squadron on the Coast of Africa. The squadron on the African station consisted of twenty-three vessels. Amongst these, there were six or seven steamers, which were very useful, although they did not find that they captured any more slavers than did the other sailing vessels. In the next place, they had that day received an account of an

attack made by the officer in command there, who had landed some of his men, and, on account of the improper conduct of some chiefs, destroyed three or four of their towns; and then went up the country, and brought the King, Mannah, to his senses, and made him promise to enter into a Treaty. He had every reason to believe that our cruisers on the Coast of Africa were fast destroying the Slave Trade. He also understood that the price of slaves had of late risen in the Colonies, which he regarded as another proof of success. That was not the first time that he had declared upon the floor of that House and elsewhere, that if they one year dismissed 4,000 men, and the next year took them on, it would not be easy, acting on such a system, to get an equipment of men at a moment's warning. As long as they chose to keep and find seamen, they would get as many as they pleased. But they must give them employment to keep them. They could not have an increase of seamen at the moment in which they wanted them; but he was sure that in a very short space of time they would be able to get them. They would not be at such a loss in critical moments, when those moments arrived, if the House of Commons kept men when they got them. Captains, besides, were much more nice now-a-days, than they were in time of war. Notwithstanding the complaints to which the hon. Gentleman alluded, there were as fine men now in the service as ever were in it. In addition to this, the condition and conduct of the men were much better than they were before. As regarded the getting of men, he was aware that they could not be found immediately. It was only three months since they had commenced commissioning eight ships of the line; and although they had been only that short time at work, with the exception of the *Queen*, the *Hibernia*, and the *Canopus*, all the rest were manned. The *Rodney* was now, he believed, about forty men short. The *Queen* and the *Hibernia* wanted about 300 each. Within these three months they had all but manned eight ships of the line. Considering the difficulties in the way, he must say, upon the whole, that they manned their vessels much faster than could have been expected.

Captain *Berkeley* intended to avail himself of another opportunity for calling attention to the proper manning of the British navy. It was his opinion that when men entered for a particular ship, they ought to be allowed to stick to it. Men had entered for the *Albion*, under Captain Lockyer. What had become of these men? Why had they not been kept? Why had they been turned adrift? Why, he asked, had a reduction taken place in the crews of the experimental squadron that was now going to sea? Suppose that America forced them to go to war; he feared they would be again beaten, as they had been beaten before, and for no other reason, but because they fought with a miserable peace establishment—because they were undermanned—he feared they would be beaten again. A difference of 200 men marked the distinction between an efficient and an inefficient man of war.

Sir *C. Cockburn* declared that no man could be more convinced than he was of the necessity of sending ships to sea fully manned. When the *Albion* had been sent abroad she was fully manned; but when commissioned for home service, her complement had been reduced. The ships that were going out would have their numbers supplied from the dockyards and Marines. They were an experimental squadron, and the object was to test them at sea. For his own part, he should be very glad if the House of Commons voted 2,000 men more, so that they might keep their ships fully manned at home, and ready to go to America or anywhere else. It was his wish to have them fully manned, so as they might be ready to take their part against any nation. The men, he must remind the gallant Officer, entered for general service, and were subject to be sent where they were wanted, and not to any particular vessel.

Sir *C. Napier* said, that the men with whom any ship was a favourite, entered only for that ship. The gallant Admiral had said that he would keep them for three years if he wanted them; but the men ought not to be turned out of a ship because one Admiralty thought proper to adopt one system, and another Admiralty another. He did not think that the gallant Admiral had given a satisfactory answer about undermanning the ships. Great outcry had been raised against the late Admiralty for having, in so extraordinary a manner, undermanned the ships in the Mediterranean. Men, it was true, were sent out, but they arrived after the war was over. The same thing would take

place as to the gallant Admiral's fleet. He had got them on the home station, it was true; but if a war were to break out to-morrow the ships would be sent to sea undermanned, with the hope and prospect of being able to send out steam boats. No ships should be sent to sea unless they were properly manned. He had much sooner send seven ships fully manned, than eight undermanned. The men would be much more inclined to do their duty, than if they were harassed night and day. The gallant Admiral said that the ships were well manned. Now, he was in communication with officers every day, and had it from them that the ships were extremely ill manned, that the men were of an inferior quality, and that good seamen were not to be got hold of. An officer of the *Superb*, whom he had met in the train, and who could have no reason to tell an untruth, had told him that he had not more than forty able seamen in the ship; that the generality of men were trash, and that they could not get better men. They were very well behaved, it was true, but they were neither seamen, nor likely to be made seamen for a considerable time. He might say the same of other ships. The Admiralty could not help it, but the Government could. Let them hold out more encouragement to men than they did. His hon. Friend had last year mentioned the propriety of establishing Seamen's Homes, which could be done with very little expense on the part of Government; for an individual who had spent a large sum in establishing one in London, had met with the most perfect success. If the Government would establish at each of our chief seaports a "Seamen's Home," such as they had in London, he was sure it would have the best possible effect. As it was, they were preyed upon by everybody, and therefore naturally looked upon everybody as thieves and robbers. By giving them a home this would be avoided; but he despaired it would be done; for since he had been in the service they had never done a single thing to assist or protect the seamen, or to make them like the service. Look how they were treated in China. When the ships were being commissioned, placards were stuck about offering the men plenty of prize money. But when they flocked on board, sailed to China, and made their first attack on Canton, all they got was one year's batta. He said this was disgraceful to the Government. There was no use in mincing the matter. Moreover, instead of serving it out as prize money, and in proportion to rank and length of service, the warrant officers and boys got the same money. When Canton was taken, and the troops just ready to storm the town, and pounce upon what they considered their right, the Civil Commissioners stopped them, and a ransom was given, but the Government "sacked" it all. He said that was deceiving the seamen; and it was notorious that since he had been in the Navy faith had never been kept with British seamen. What was done when he retired from Syria? Why they gave the men a 10*l.* note and a fortnight's leave of absence. What was the result? Why many of them would not take it, and the rest deserted, and never came back. He would read to them Lord Nelson's notions of manning the Navy, which they would see were very different. In that document, which was lent him by Lord Nelson's nephew, he found that he proposed certificates should be granted. He calculated that there were 42,000 seamen in the merchant service seduced by the superior pay from the Navy. He proposed, therefore, that every seaman with good character, who had served in the fleet five years, should be paid four guineas every New Year's-day, or King's birth-day, and if he had served eight years, eight guineas, irrespective of pensions. It was true that last year they did get a registration of seamen. This was the first step they had taken towards a prudent policy; and he believed the best that could be taken. He was sure it would create order and sobriety, and better moral feelings than had before existed. He wished the Government would go further, and bring in a Bill that before men became registered seamen they should serve a certain period in a man of war. He had no doubt that in that case many would come forward voluntarily. There was another thing he wished to see corrected, aud that was the press system. The right hon. Baronet, much to his credit, had brought in an Enlistment Bill, which provided that in the case of a war taking place, or a proclamation calling upon sailors to come forward, they should receive 10*l.* each (he did not use the word bounty, for it was so long since the men had any that they did not know what it was,) and also that the men who were actively employed should receive the said money.

In this case, however, supposing there were 40,000 seamen, and there was to be a war with America, the first step to be taken would be to pay them a double bounty, which would amount to 400,000*l.*; but he did not think men expected anything of the kind. What he proposed was, that if a war took place, and they were actually called out, they should have this bounty. It appeared by recent returns that there were 115,000 seamen in America. Of these 100,000 were foreigners, and most of them Englishmen. Now, if a war took place to-morrow, there was no doubt if they were called on, these men would leave the American service; but, if they once began to press men in England, not one of them would leave the American service. He trusted, therefore, if we ever went to war again with France or America, the Government would never think of pressing men. If they offered a good bounty they would get them; but if they pressed, they would get none.

Mr. *C. Wood* said, he was not surprised there was a difficulty in getting men for the Navy at this season. The late Government found it difficult to get only 3,000 men; so that, if the present Government had already got 3,400, they had done as much as could be reasonably expected. There was no difficulty in getting men in the autumn, but now they were just going out in merchantmen on short voyages. He could not agree that the present race of sailors were degenerated. The late Government had, undoubtedly, kept their ships at home undermanned; the present Government did the same. The late Government, however, did so, because they thought they were right; but the present Government did so, knowing that they were wrong. The late Government were blamed for their conduct in this respect, and the hon. Member for Kent used to express his fear of the Russians attacking the orchards of Kent; and yet during the last summer the coast was left completely defenceless. The present Government were accusing them for what they themselves were guilty of, because they would not come down and ask for 2,000 men more. He would conclude by saying that the Navy was not in the state it ought to be; neither had Her Majesty's Government a sufficient complement of men at command to make the Navy efficient.

Mr. *Sydney Herbert* said, that the present Government did not send ships with reduced complements of men to foreign stations, though the ships on the home stations had been in some degree undermanned. But the Government had acted on the principle that it was desirable all the ships on foreign stations should be fully manned, and that the vessels on home stations should have reduced complements, because there would be no difficulty in obtaining men at home, should they be required, and the ships on home stations could therefore be speedily placed in an efficient condition. The case of the *Albion* was the only exception to this rule. The Government with which the hon. Member for Halifax was associated, had sent out ships to foreign stations, even at a time when we were at war, with reduced complements of men; and the hon. and gallant Member opposite (Sir C. Napier), in the course of his operations on the coast of Syria, accounted for the slackness of his fire by the want of a sufficient number of men to work the ships under his command efficiently. The hon. Member for Halifax had stated that the shores of this country had never been in so defenceless a condition since 1835 as they were in last year; but he begged to inform the right hon. Gentleman, that there was last year a far larger number of men in commission on the coast of this country than there had been in 1835, or even in 1841, when public affairs were in a very unsettled state. He would venture to say that they had had much finer ships' crews lately than at some former periods. He believed if an increased number of seamen was required, there would be no difficulty in obtaining them; for it must be remembered that at this time the trade and commerce of this country were in a peculiarly flourishing state, and there was consequently a great demand for merchant seamen.

Captain *Berkeley* did not find any fault with the present Board of Admiralty, but he thought it of the highest importance that the House of Commons should know whether or not it was as easy as formerly to man the British navy. In his opinion it was not; and he preferred the opinion of the hon. and gallant Admiral near him on that point to that of the four Gentlemen who had been Secretaries to the Admiralty.—Vote agreed to.

The House resumed. The Chairman reported progress, and obtained leave to sit again.

House adjourned at a quarter past one o'clock.

HOUSE OF LORDS,

Tuesday, May 6, 1845.

MINUTES.] *Took the Oaths.*—The Earl of Rosse.
Sat First. The Duke of Grafton, after the Death of his Father.

BILLS. *Public.—Reported.*—Privy Council Appellate Jurisdiction Act Amendment.
3ª. and passed:—Customs (Import Duties; Auction Duties Repeal; Sugar (Excise Duties); Colonial Passengers.
Private.—1ª. Royal Naval School; Middlesex County Rates; Winwick Rectory; Edinburgh Life Assurance Company; Southwark and Vauxhall Water Company.
2ª. Glasgow and Shotts' Road; Surrey and Sussex Roads; Liverpool Docks; Lady Sandy's (Turner's) Estate.
Reported.—Duke of Argyll's Estate; Paisley Gas.
3ª. and passsed:—Shelsley Road.

PETITIONS PRESENTED. By Bishops of London and Lichfield, Dukes of Buccleuch and Grafton, Earls Falmouth, Dalhousie, and Spencer, and by the Marquess of Breadalbane, from Draycot-le-Moors, and a great number of other places, against Increase of Grant to Maynooth College.—From Waltham, and 2 other places, for Protection to Agriculture.—From Colchester, and 4 other places, for the Suppression of Intemperance.—From St. John the Evangelist, Westminster, and 2 other places, for the better Observance of the Sabbath.—From Dalkeith, and 2 other places, for the better Regulation of Beer Houses, especially on the Sabbath.—From Guardians of Bandon Poor Law Union, for Alteration of Poor Law Act (Ireland).—From Blackrath, and several other places, for the Encouragement of Schools in connexion with Church Education Society (Ireland).—From John Garner, of Teachbrook, Warwick, complaining of Hardships under the Insolvent Debtors Act Amendment Act.—From Landowners of Grinton, in favour of Commons Inclosure.—By Earl of Falmouth, from Clergy and others of Penwith, against the Union of St. Asaph and Bangor.—From Perth, and several other places, for Improving the Condition of Schoolmasters (Scotland).—By the Earl of Devon, from Guardians of Ennis Union, and from Farmers of adjoining Districts, for the adoption of Recommendations contained in the Report of Commissioners relating to Tenure of Land.—By Duke of Grafton, from Naseby, and several other places, for Repeal of Malt Tax.—From Inhabitants of St. Mary and St. John, Limerick, against the collection of Ministers Money (Ireland).—By the Marquesses of Lansdowne, and Londonderry, from Dissenting Congregation of Upper Brook Street, Manchester, from Unitarians of Rochdale, and Inhabitants of Killileagh, in favour of Increase of Grant to Maynooth.—By Lord Brougham, from Parishioners of St. Stephen's Walbrook, and St. Benet's, for the Adoption of a Measure for the Improvement of small Parishes in the City of London, governed by Select Vestries.

THE LAND TENURE COMMISSION.] The Earl of *Devon* presented two petitions from Ennis and a district in the county of Antrim, expressing the anxiety of the petitioners that the measures recommended by the Land Commissioners would be speedily brought under the consideration of Parliament. He must also express the hope that no great delay would be allowed to occur before some of these measures were introduced into Parliament, for he was quite sure that it was the intention of Her Majesty's Government to carry out the recommendations contained in that Report. These petitions referred particularly to two subjects—to some improvement in the Grand Jury Laws, and to some arrangement of the expenses of the Constabulary. Both these measures would require the greatest consideration, and therefore it would not be expected that Her Majesty's Government would legislate on such subjects without some necessary delay for previous consideration. He thought that some new arrangement of the expenses of the Constabulary might be made which would greatly relieve the more peaceable parts of the country. Both these petitions, and in fact every communication that the Commissioners had received, pointed particularly at one measure as of paramount importance—that was some measure which should secure to industrious tenants the benefit which was desired for the improvement which they made on the land which they occupied. If some measure of this kind were introduced, it would do much to strengthen the industry of the people of Ireland. He, however, had no doubt that in a short space of time some measure would be introduced by the Government on the subject. He knew that Her Majesty's Ministers had paid great attention to the subject, and he believed that some measure relating to it would be introduced at no distant day.

Lord *Stanley* said, he was sure that any one who looked at the Report drawn up by his noble Friend and his brother Commissioners, must admire the diligence and ability displayed by them in the performance of their duties, and must feel the importance of the recommendation contained in the Report. At the same time their Lordships and his noble Friend must be aware that those recommendations embraced subjects of the greatest possible difficulty, requiring the most attentive and close consideration, dealing with the most important interests, and upon which hasty legislation would be more detrimental than no legislation at all. His noble Friend must recollect also that the Report, and the evidence upon which it was founded, had not reached the hands of Government till near the Easter recess, and that was not the most favourable opportunity for considering it. He could assure his noble Friend, however, that all the recommendations of the Report would meet with the most respectful and atten-

tive consideration from the Government. They had not been idle in availing themselves of the short opportunity that had presented itself in taking up and preparing to act upon the most urgent of the recommendations of the Commissioners, as he concurred with his noble Friend in thinking that none of those recommendations went so much to the root of the social condition of the people of Ireland as the providing greater security for the industrious tenant of some compensation for the permanent, or almost permanent, improvement effected by him, whether in possession of a lease, or as tenant at will, during his occupation of the land. The Government had turned their attention to this subject first, thinking it of the most vital importance. There was more than one Bill embodying the suggestions of the Commissioners under their consideration; and a Bill providing compensation for permanent improvements was in a state of great forwardness, and he was at liberty to state, on behalf of the Government, that he should introduce a Bill on that subject immediately after the Whitsuntide recess.

Great Western Railway (Ireland).] Lord *Brougham* called the attention of the House to the circumstance of the parties persevering in this measure, notwithstanding a Report of the Committee (as he saw by the Journals) that 300 breaches of the Standing Orders had been committed. It would be but an act of charity and humanity to dissuade the parties from thus throwing away their money in a hopeless experiment upon the Legislature; because when the Bill came up to that House, he could venture to pledge himself confidently it was impossible that it should pass into an Act of Parliament, for it was impossible but a breach of their Lordships' Standing Orders must be committed; and if that occurred, and were reported by their Standing Orders Committee, common honesty — and it was only giving their Lordships credit for common honesty— would render it utterly impossible for the Bill to pass into a law. He spoke with the greatest respect for the other House that was consistent with this proceeding. Of course he did not seek in any way to interfere with their Standing Orders; they might alter them or retain them, or abrogate them, and perhaps if they did abolish them altogether, in so far as they related to this transaction, it would be the better.

Lord *Campbell* thought it was quite enough for their Lordships to take care that their own Standing Orders were not broken, without taking charge of those of the other House.

Lord *Brougham* said he had made no Motion at all; he had only given Notice of one. That their Lordships were the guardians of their own Standing Orders, and the other House of theirs, was a self-evident proposition; God forbid he should deny the right of the House of Commons to do what they pleased with their Orders, to dispense with or abrogate them altogether—and perhaps it would be as well if they did, if they proceeded in this way with them; but their Lordships would certainly not allow their Orders to be broken. He did not suspect that any canvass had taken place in the other House; but he knew that none whatever could take place here; for five or six years it had been quite impossible.

St. Stephen's, Walbrook.] Lord *Brougham* said, that a petition had been placed in his hands which he felt it his duty to present to the House. He was perfectly ignorant of the facts of the case, and only knew that the petition was signed by very respectable persons—the churchwarden, inhabitants, and householders of the parish of St. Stephen's, Walbrook, and the adjoining parish of St. Benet's; and his respect for those respectable persons induced him to present it. As a highly respectable person in point of station was concerned, he should do no more than read the substance of the petition, which was very short. It stated that the affairs of the parish of St. Stephen had been for many years conducted in a manner unsatisfactory to the parishioners, that the differences between the parishioners and Mr. Michael Gibbs having resulted in legal proceedings, they abstained from expressing any opinion upon the merits of the questions which now occupied the attention of courts of law; but they respectfully represented to their Lordships' House that whilst these proceedings, of which no one could see the termination (this was a wilful blindness), were protracted, the Church of St. Stephen was falling into ruin, and its functionaries, including their respected rector, were left

unpaid. They represented such a state of things as being disgraceful to a Christian country, and asked their Lordships to pass some general measure for the improvement of small parishes, which were governed by select vestries, by which provision should be made for the service of the Church, without wasteful expenditure.

House adjourned.

HOUSE OF COMMONS,

Wednesday, May 7, 1845.

MINUTES.] NEW MEMBER SWORN. Richard Albert Fitzgerald, Esq., for Tipperary County.

MINUTES.] BILLS. *Public.*—1° Banking (Ireland).

2° Courts of Common Law Process; Courts of Common Law Process (Ireland); Courts of Session (Scotland) Process.

Reported.—Field Gardens; Physic and Surgery; Colleges of Physicians and Surgeons.

3° and passed:—Exchequer Bills (9,379,600*l.*).

Private.—1° Londonderry and Coleraine Railway.

2° Manchester Court of Record.

Reported.—Wilts, Somerset, and Weymouth Railway; Berks and Hants Railway; Glasgow Bridges; Exeter and Crediton Railway; Lynn and Ely Railway; Ely and Huntingdon Railway; Belfast and Ballymena Railway.

3° and passed:—Huddersfield Waterworks; Nottingham Inclosure; Hungerford and Lambeth Suspension Foot Bridge.

PETITIONS PRESENTED. By Viscount Newry, and Mr. Shaw, from several places, for Encouragement to Schools in connexion with Church Education Society.—By several hon. Members, from a great number of places, for the better Observance of the Lord's Day.—By several hon. Members, from an immense number of places (292 Petitions) against the Grant to Maynooth College.—By Col. Rawdon, from Tullycorbit, in favour of Roman Catholic Relief Bill.—By Mr. Bagot, Sir J. Guest, Lord J. Manners, and Mr. Sotheron, from several places, against Union of St. Asaph and Bangor.—By Mr. Rutherfurd, from several places, for Abolition of Tests in Scotch Universities.—By Lord Worsley, Mr. Antrobus, Mr. G. Heathcote, and Lord Heniker, from several places, against Parochial Settlement Bill.—By Mr. Antrobus, Mr. Bagot, Mr. S. Crawford, Mr. Dennistoun, and Mr. T. Duncombe, from several places, for Alteration of Physic and Surgery Bill.—By Mr. Pringle, and Mr. Compton, from several places, for Alteration of Law relating to the Sale of Beer.—By several hon. Members, from a great number of places, for Ameliorating the Condition of Schoolmasters (Scotland).

GREAT WESTERN RAILWAY (IRELAND).] Mr. *F. French* moved for leave to bring in the Great Western Railway (Ireland) Bill.

Mr. *Warburton* said, that this Bill was one which the Standing Orders Committee had reported against, and the hon. Member for Roscommon had induced the House to decide against the Standing Orders Committee. It was proposed that a Select Committee should be appointed to inquire how far the existing Standing Orders with respect to Irish Railway Bills should be dispensed with. It seemed to him that, when the Standing Orders Committee had reported against a Bill, and a Select Committee was proposed to consider the subject, they ought to have the Report of that Committee before they proceeded further. He should, therefore, move that the discussion of the subject should be adjourned.

Sir *G. Grey* did not see why the Standing Orders should be dispensed with. At the proper time it was his intention to move for the appointment of a Select Committee to inquire whether any, and which, of the Standing Orders in force with respect to railways in Great Britain, were unnecesary, and ought to be dispensed with in respect to railways in Ireland. He thought that the House ought not to adopt the present Bill until the Motion he intended to make had been considered, and the Committee had come to some decision upon the subject. He thought they should read the Bill a first time, and then postpone the second reading to a future day.

Mr. *F. French* said, that all he wished was that the subject should be fairly considered, and for that purpose he was anxious to introduce the Bill. He wanted no unfair advantage, nor did he ask anything unprecedented. In the case of the Croydon Railway Bill, the House had negatived the decision of the Standing Orders Committee by a majority of ninety-five to twenty-two. He trusted that the indulgence which had been extended to an English would not be refused to an Irish railway.

Mr. *Labouchere* thought it desirable that the House should have the Bill before it. It was absolutely necessary to ascertain whether or not the Standing Orders which were applicable to English Railway Bills were also applicable to Irish Railway Bills. Nothing could be more absurd or unjust if there were Standing Orders applicable to Irish Railway Bills, than not to adhere to them. Under all the circumstances, however, he hoped that his hon. Friend would not press his Motion, but would permit the Bill to be read a first time, and then the second reading could be delayed until after the Report of the Committee, to be moved for by his right hon. Friend the Member for Devonport, should be presented.

Mr. *Warburton* had no wish to give unnecessary trouble, and he would, therefore, not object to the first reading of the Bill; but before the second reading came

on, he hoped the House would exercise its jurisdiction over it.

Mr. *Greene* thought that great inconvenience would result from delay. He thought it was hardly fair to the promoters of the Bill to keep this threat of opposition hanging over them. He would rather that the House should vote that all further proceedings should be suspended until the Report of the Committee to be moved by the hon. Member for Devonport should have been made.

Lord *G. Somerset* could not see how any inconvenience could arise from permitting this Bill to be read a first time. But he hoped the House would seriously consider the subject before they consented to the second reading of the Bill. Before they did that, they should have it determined how far the Standing Orders which applied to English Railway Bills applied also to Irish Railway Bills; and the second reading should be delayed until the Report of that Committee should have been made. If it were attempted to press forward the Bill to a second reading until that Report should have been made, he should feel it his duty to oppose any such Motion.

Mr. *Warburton* wished to ask the Speaker if it would be allowable to refer this Bill back to the Standing Orders Committee after it had been read a first time? He apprehended that it would be too late to do so, and, therefore, he thought it should be better to suspend the further progress of the Bill until the Report should have been made.

The *Speaker* said, that after the Bill had been read a first time it might be referred back to the Standing Orders Committee.

Mr. *Warburton* withdrew his Motion.

Sir *R. Peel* said, that he would not by any means vote for this Bill if by so doing he was likely to throw the slightest reflection on the Standing Orders Committee. He thought there was a general impression on both sides of the House that the Standing Orders Committee had done their duty with respect to this Bill; and if he had been in the House when the Motion of the hon. Member for Roscommon was under discussion, he (Sir R. Peel) would have supported the decision of the Committee. The House had, however, taken another course, and had allowed this Bill to be brought in. In the course of the debate on a former evening it was admitted that if they applied to Ireland with strictness the Standing Orders which had been found to work so well in England, much injustice might be inflicted, and public works of great national importance be interrupted. If, on investigation, it should be found that the non-compliance with the Standing Orders had been caused by informalities on the part of the Parliamentary agent, then in his (Sir R. Peel's) opinion, the Bill ought to be delayed; but if, on the other hand, it should appear that there were circumstances in the case of Ireland which rendered strict compliance with the Standing Orders impossible, a fair question would remain open for the judgment of the House. But he did not wish to throw the slightest reflection upon the Standing Orders Committee, and he should reserve to himself the line of conduct he might in future pursue, and vote for the second reading or not as his judgment might dictate on a full hearing of the case.

Mr. *T. Duncombe* said, that in his belief the peculiar circumstances of Ireland had had nothing to do with the recent decision of the House, as the argument was not used by the hon. Member for Roscommon, who introduced the Motion. He could not see how the public could have any confidence in the proceedings of that House, if, upon one day, they decide that a Bill should not be proceeded with, and upon another decide that a question should be referred to a Committee, to the effect that an inquiry should be made to ascertain whether the decisions of the House were erroneous, for that in reality was the question.

Leave given to bring in the Bill.

SERMON BEFORE AN EXECUTION.] Captain *Polhill* rose to put the question of which he had given notice—namely, to ask the right hon. Baronet the Secretary of State for the Home Department, if any communication had taken place between him and the Sheriffs of London, respecting the admission of persons to hear the condemned sermon? And also, whether it is not his opinion that upon a recent occasion the Sheriffs only acted in conformity with their undoubted rights and privileges?

Sir *James Graham* said: Mr. Speaker, in answer to the first part of the hon. and gallant Member's question, I have to state that not only on my part, but on the part

of my predecessor in the office I have the honour to hold in the Government (the Marquess of Normanby) representations have passed between the Home Office and the Corporation of London on the subject; and in consequence of these representations I had understood, and confidently believed, that the Corporation of London had made regulations which absolutely prohibited the admission of the public generally on those melancholy occasions to which the question of the hon. and gallant Member refers, namely, the preaching of the condemned sermon at Newgate previous to an execution. And certainly, as to the correctness of that understanding I am not prepared to give an opinion; but if I am justified in pronouncing any opinion positively, I would not do it on what occurred on a late occasion by the Sheriff of London, under a misapprehension probably of the circumstances that had taken place. But on a former occasion, my attention having been painfully drawn to what, to use the mildest term, was a great irregularity, not only in the preaching of the last condemned sermon, but in certain transactions that took place on the morning of the execution; I have, in the exercise of the power vested in me as Secretary of State under the Prisons Act, directed one of the prison inspectors to proceed to the gaol of Newgate, and institute a strict and rigid inquiry into all the transactions that occurred on the Sunday before and on the Monday of the execution. That Report, and the evidence collected by the inspector, has not yet been received; but when I receive it I will lay it on the Table of the House, and my present belief is that that Report will show that some legislative interference will be necessary.

Mr. Alderman *Copeland* expressed a hope that the right hon. Baronet would extend the inquiry to the last two or three of those melancholy occasions. Unfortunately there was a morbid appetite prevailing to witness such exhibitions, and the importunity of persons for admission when cases of this kind occurred exceeded anything that could be imagined. On the late occasion of the trial of Hocker, and subsequently, the importunities by which the magistrates of the city of London were beset by persons of every class, not only for admission to witness the trial, but to be present at the execution, were beyond anything that could be conceived. And while this morbid appetite continued, and public executions took place, it was impossible to prevent it. It was a question, however, how far these melancholy exhibitions were useful in checking crime; and upon that point he might state that being himself the sitting magistrate at Guildhall, for the week commencing Easter Monday, from what he there saw, he had come to the conclusion that the time had at length arrived when it would be proper for the Government to consider whether these public executions should for the future be allowed to take place. He had his own opinion upon that subject; but it was not for him then to put forward his views; but having on the day he had mentioned, Easter Monday—when it would be remembered, a public execution took place—had occasion to send for trial some persons, and convict summarily others, who were brought before him (three in one gang, and two in another) for picking pockets at the very foot of the gallows, he had come to the conclusion, that some interference should take place for the purpose of putting an end to these public and painful exhibitions altogether.

Mr. *Brotherton* agreed with what had fallen from the hon. Gentleman. ["Order!"]

Captain *Polhill* thanked the right hon. Baronet for the explanation he had given. He was anxious to say a few words—[*cries of* "Order!"]

The *Speaker* decided that as the question had been answered, the hon. and gallant Member could not further address the House upon it.

Subject at an end.

PRISONS COMMITTEE (SCOTLAND).] Mr. *Edward Ellice* moved to substitute Lord Frederick Hallyburton and Mr. David Morris for Mr. Patrick Stewart and Mr. Bickham Escott, on Select Committee on Prisons (Scotland).

Mr. *Pringle* contended, as the labours of this Committee were drawing to a close, it would be most inconvenient if its Members were changed. He should oppose the Motion.

The House divided—Ayes 80; Noes 22: Majority 58.

EXCULPATION OF MR. MAZZINI.] Mr. *Bouverie* said, that five or six weeks ago the right hon. Member for Dungarvon had brought on a Motion expressive of the regret of the House at the letters of foreigners having been opened in the Post

Office of this country. In the debate which then ensued, the right hon. Gentleman the Home Secretary had rested the defence of Government for having so opened the letters of Mr. Mazzini on the character of that person; and the right hon. Baronet had made a charge against Mr. Mazzini which the right hon. Gentleman attempted to substantiate at the time, and which he had not yet withdrawn. A charge of the kind was one which should, under no circumstances, be made against any man, anywhere except in a court of law, for the purpose of furthering the ends of justice. But in this place, especially, where the privileges of the House protected a Member from that responsibility to the law which making such a charge in another place would subject him to, he did think that no possible condition of circumstances could justify a private Member of the House, much less a Member holding the station and wielding the authority of the right hon. Gentleman, in bringing forward an accusation of the sort in question against any individual whatever. By a mere constitutional fiction it was supposed that such charges so made were not published, yet the very morning afterwards many thousand copies of newpapers scattered the slander over every part of the country, and every part of the world—slander, too, stamped in this case with the authority of a Secretary of State and a Minister of the Crown. He looked upon the case in question totally irrespective of the evidence by which the charge was sought to be substantiated; for he thought that no hon. Member was authorized, either in fairness or in justice, to bring such a charge, in such a place, against any individual whatever. But so far as the evidence was concerned, the only testimony which the right hon. Gentleman had attempted to adduce was an anonymous statement in a French newspaper. The right hon. Baronet promised to substantiate that statement by certain documents, copies of which were to be placed in the hands of Members of the House; but the only documents of the kind yet received were those which he now held in his hand, and in which there was contained not one iota of evidence to substantiate the charge. Under these circumstances, he thought that the right hon. Baronet opposite would be willing handsomely and fairly to withdraw the charge which the right hon. Gentleman had made against Mr. Mazzini. He had no acquaintance personally with that gentleman—he never saw him; but he felt that there were great principles of justice and fairness which every man, however exalted in rank, should apply to any individual, however, humble. He was sure that if the right hon. Gentleman only reflected for a moment upon the horrible nature of the imputation thrown upon Mr. Mazzini, and the suspicions raised with respect to him, the right hon. Gentleman would own that he had been hardly justified by the facts in making the charge. He might state with respect to Mr. Mazzini, that a Foreign Government had communicated to a friend of that Gentleman, a Member of the House, the fact that they had carefully investigated the charge in question, and found not a shadow of evidence to support it. He, therefore, put it to the right hon. Gentleman whether, under all the circumstances of the case, he would not be acting most fairly and justly in retracting the accusation which he had brought forward.

Sir *James Graham:* The hon. Member who has just sat down gave me notice, in a private note, yesterday, that he meant to put the question to me with which he has just concluded. I am sorry that the hon. Member has not confined himself to merely putting that question; but it does so happen, that even had it not been put at all, it would have been my duty this night to have made a statement to the House upon the subject. I think that it was upon Monday last, that the hon. Member for Kilmarnock (Mr. Bouverie), and the hon. Member for Finsbury communicated with me in private in reference to this matter; and I stated to them, what was then strictly true, that I was not at that time in a condition to make a statement which would be satisfactory either to them or to Mr. Mazzini himself. In consequence of a question put to me by the hon. Member for Bolton (Dr. Bowring), however, I did think it my duty, in regard to truth and justice, to institute—through my noble Friend the Secretary of State for Foreign Affairs—an inquiry in a quarter from which I thought I would be most likely to obtain correct information upon the subject. That inquiry I did institute; and, until yesterday, the information which I received, so far from shaking my impression as to Mr. Mazzini's guilt, tended rather to confirm it. Not yet satisfied, however, with the quarter from which these inquiries were

directed, I was particularly anxious that the Judge who presided at the trial of Gavioli before the Cour d'Assizes of Avignon, in 1833, and the public prosecutor who officiated upon that occasion, should be consulted, and at my request these individuals have been written to. Now, I did not until two o'clock yesterday afternoon receive the answer of these gentlemen; and, if there had been a House yesterday, it was my intention to have made voluntarily the statement which it is now my duty to enter into in reply to the hon. Gentleman opposite. The hon. Gentleman has referred to what occurred when I made the original statement in my place; and those hon. Members who may now be present, and who then did me the honour of listening to what fell from me, will remember that when I came to that part of my statement as to the conduct of Mr. Mazzini now under question, I observed, with reference to the newspaper which I then referred to, that the information I was quoting rested not upon official authority, and was not, therefore, so well entitled to implicit confidence as would be a statement of a nature better authenticated; and to this point I especially begged the attention of the House. The hon. Gentleman the Member for Finsbury, who replied to me, did mention a circumstance, which, until he stated it, was entirely unknown to me, namely, that Mr. Mazzini, in the year 1840, had brought an action against M. Gisquèt, a French ex-prefect of police, for having in a then recent publication repeated the slander; and to a certain extent he succeeded in that action. Now, I do not on the present occasion seek to open any other ground of accusation, or to refer to any matter other than the particular transaction to which the hon. Member for Kilmarnock has referred. He has stated that in the Papers which I have caused to be presented to the House, there exists no recognition or corroboration whatever of the statement which I quoted in the charge resting on the authority of the *Moniteur*. I think that the hon. Gentleman has not looked very attentively over the Papers referred to, or he would have observed the letter from Sir Augustus Foster, the Minister at Turin, to the noble Lord the late Secretary for Foreign Affairs, in which there is a distinct recognition of the statement in question. But I will not dwell on these points. I will at once proceed to state, as I am bound to do, that the account which I received yesterday, setting forth the statement of the Judge who tried Gavioli, and of the public prosecutor at that trial, in answer to inquiries put to them—an account which is explicit, full, and direct—expressly declares that in that trial no evidence whatever was adduced which inculpated Mr. Mazzini in the matter. I am bound, therefore, to state the fact, that if I had been aware when I made the original statement of the trial of Gisquèt, mentioned by the hon. Member for Finsbury—much more, if I had known at that time what were the impressions of the Judge and the public prosecutor—undoubtedly the best authorities in the matter with respect to the trial of Gavioli, so far from making the statement which I did make, I would most religiously have abstained from noticing the matter. The statement, however, was made by me; and (going forth to the public) it has been injurious to the character of Mr. Mazzini. Knowing, then, the facts which I have stated to the House—facts which were unknown to me until yesterday — I have thought it due to Mr. Mazzini to make to him the only reparation in my power, namely, to take care that the retractation of the charge should be made as publicly as was the accusation. I hope, Sir, that what I have said will be considered satisfactory.

Mr. *T. Duncombe* was sure that no Gentleman would wish an hon. Member, to make a apology or retract an accusation unless that hon. Member were satisfied in his own mind that the individual injured deserved to have that apology or retractation made to them. He, therefore, thought that the right hon. Gentleman was right not to have apologised until he had been so satisfied. He thought, however, that the right hon. Gentleman had had reason to complain of the persons who had placed in his hand the newspaper, the *Moniteur*, from which he had quoted, knowing, as those persons must have done, that the statement in question was a gross fabrication. He believed that the right hon. Gentleman had received the *Moniteur* from persons connected with the French embassy here, who could not but have known that there had been a public refutation of the calumny contained in it. The opinion of the Judge who had presided at the trial in 1841 might have been received from Paris a week after the accusation had been made. Nothing could be clearer than the total acquittal of Mr, Mazzini from any participation in the

crime in question. As to the assassination at Rodez, Gavioli was alone found guilty, and sentenced to *travaux forces*, and he understood that Gavioli had afterwards murdered his gaoler. He was, however, the only person concerned in the first crime, for which he was condemned. The statement which they had just heard would be most satisfactory, not only to Mr. Mazzini; but to all his countrymen, exiles in England, and he would also add, on his own behalf, that had he not been in his own mind perfectly satisfied of Mr. Mazzini's innocence, he would never have introduced his name to the House; for Mr. Mazzini would not only, in such a case, have been unworthy of the consideration of the House, but most unworthy of that friendship and hospitality which it was now his happiness and honour to enjoy.

Sir *James Graham* observed that the hon. Gentleman seemed to think that his explanation came rather late. Now, he was most anxious that the House should do him the justice to believe that it was made at the very first moment at which he could by any possibility bring it forward. He was in possession of a letter from Lord Cowley, the British Ambassador at Paris, dated May 2, containing the answer of the Judge who tried Gavioli, and which answer had been sent by the Minister of the Interior to Lord Cowley, by whom it had not been received until the 1st of May. Lord Cowley's letter was dated the next day, the 2nd of May. He also held in his hand a note from his noble Friend the Secretary for the Foreign Department, observing that the Papers received yesterday from Lord Cowley, copies of which he enclosed to him, were of a different tendency from those formerly communicated to the embassy at Paris, by the prefect of police. Had the House sat yesterday, he assured them that he would have lost not a moment in bringing the matter under their notice.

Mr. *T. Duncombe* had not intended to impute any unnecessary delay to the right hon. Gentleman.

Subject at an end.

SLAVE TRADE—RIGHT OF SEARCH.] Viscount *Palmerston* wished to put a question to the right hon. Baronet at the head of the Government—it was one which he had put the other night, and which as the right hon. Baronet was not then prepared to answer, he would now repeat. By the Treaty of Washington, concluded in August, 1842, and by the 9th Article of that Treaty, it was stipulated that—

"Whereas, notwithstanding all the efforts which may be made upon the coast of Africa for the suppression of the Slave Trade, while the facilities for carrying on that traffic by the fraudulent use of flags are so great, and the temptations for pursuing it when markets can be found are so strong, that the desired result may be long delayed, unless all the markets now open be shut up against the purchase of African negroes—the parties to the Treaty do therefore agree to unite in all becoming representations to, and remonstrances with, any and all of the Powers within whose dominions such markets are allowed to exist, and that they will urge on all such Powers the propriety and duty of closing such markets fully, at once and for ever."

He wished then to ask whether, in consequence and in pursuance of that 9th Article, the Governments of the United States and of England had united in communicating any, and, if any, what representations and remonstrances to the Governments of Brazil and Spain, both of them nations included in the class of those referred to? He wished, also, to ask, with reference to the Treaty of December, 1840, for the suppression of the Slave Trade — the Treaty, he meant, signed between England, Austria, Prussia, and Russia — whether any steps had been taken in pursuance of the 17th Article, which stated that—

"The high contracting parties agree to invite those maritime Powers of Europe which have not yet concluded Treaties for the abolition of the Slave Trade, to accede to the present Treaty."

The Powers referred to were Belgium, Hanover, and Greece; and the question which he wished to put to the right hon. Gentleman was, whether the parties to that Treaty of December, 1840, had, in pursuance of the Article he had referred to, applied to those three Powers to obtain their accession to the Treaty?

Sir *R. Peel* said, that the noble Lord having given him notice of his intention to ask the questions which he had put, he had made inquiry at the Foreign Office as to the transaction referred to. The noble Lord had quoted—of course correctly—the Article of the Treaty of Washington, as to representations and remonstrances to be made by the Governments of Great Britain and the United States to

certain Foreign Powers. After the passing of that Treaty, several conferences had taken place between his noble Friend at the head of the Foreign Department and the American Minister, Mr. Everett, upon the subject of the Article in question. The question was, whether it would be most advantageous and most likely to bring about desirable results, were the representation to be made by both countries united, or by each for itself. The words of the Article undoubtedly were that both countries should "unite," but it was not considered that they were necessarily bound, therefore, to make a joint representation, and that, should it be thought most desirable for each country to make a separate representation, each country was at perfect liberty to do so. It was ultimately determined, as the best course to be adopted, that each country should make such a separate representation. The Government of Great Britain had faithfully adhered to that arrangement, and he understood from the American Minister that the Government of the United States had also made a similar representation to Brazil, through their Minister there, who had all along shown the utmost readiness to assist in every measure calculated to put down the Slave Trade. As to the second question of the noble Lord, he had correctly stated that in 1841 a Treaty had been concluded by Great Britain, Austria, Prussia, and Russia, conceding to each other a mutual Right of Search, in order to suppress as far as possible the Slave Trade. That Treaty had been signed by France, but had not been ratified by her. The other great Powers of Europe, however, independent of that non-ratification, concluded the Treaty. It was a quadruple Treaty binding on four Powers; and it became a question whether, after the refusal of France to ratify the Treaty, it was desirable that representations should be made to the three Powers who had not at all joined it, namely, Belgium, Hanover, and Greece. He believed that no vessels belonging to these countries were engaged in the Slave Trade, nor were their flags used in the promotion of that traffic. No doubt it would be very desirable that all the maritime Powers of Europe should unite to put it down; but there were considerations connected with the refusal of France to ratify the Treaty which were judged to form obstacles in the way of representation being made to the three Powers alluded to.

Viscount *Palmerston* observed that as to the first question, as it appeared that the Government of the United States had made remonstrances in execution of the Article of the Treaty of Washington referred to, he presumed that there would be no difficulty in obtaining a diplomatic communication of these remonstrances from that Government, and in laying them before the House. If the remonstrances had been joint, as was the literal construction of the Treaty, they would have been laid on the Table of the House as a matter of course; but being conformable to the Treaty in spirit, although not in form, he still did not see that there could be any obstacle to their production.

CHATTEL INTERESTS (REAL PROPERTY) BILL.] Mr. *R. Scott* moved the Second Reading of this Bill. He was at a loss to discover why the Ministry should now oppose itself to a clause of the measure, of which it had sanctioned the introduction in the Ecclesiastical Courts Bill. The object of the clause in question was to facilitate the transfer of landed property bequeathed under will when the probate was granted in a Diocesan, while it ought to have emanated from a Prerogative Court. He could not conceive what possible disadvantage could arise from enacting this Bill. To prove the necessity of some such measure being introduced, the hon. Gentleman cited the case of a will made in 1755, under which an assignment for a small amount had been twice transferred; but some sharp attorney having discovered that probate in the Prerogative Court was necessary, the party entitled to the property in 1844 had to come to London, to take out probate. He hoped the Government would, at all events, allow the Bill to go into Committee.

The *Solicitor General* did not feel at all hampered in his resistance to this Bill, by having to admit that a clause of the nature alluded to was in a Government Bill of two years ago on Ecclesiastical Courts. Had he been aware that such a clause was in the Bill at that period, he should have opposed it. The first question to be asked with regard to such a measure was, was there any necessity for it? Next, did the members of the profession generally call for it? The hon. and learned Gen-

tleman had presented four petitions from Wolverhampton, Dudley, Birmingham, and Stourbridge, in favour of this Bill. Every one of these petitions was in the same handwriting, and expressed in precisely the same language. The plain inference was, that they were the work of one individual. There was no recommendation of any such measure in the Report of the Real Property Commissioners. What was the amount of injury done in the present state of the law? Was the title rendered invalid in the case of omission? No; all the party had to do, was to take out administration *de bonis non* in the case of probate, or a prerogative administration in the cases of an intestate. The effect of the change proposed, however, would be to render administration, however imperfectly made, valid, and to oust, in many cases, mortgagees and others, from property to which they were fairly entitled. He should move that the Bill be read a second time that day six months.

Mr. *Granger* said, it was extraordinary that the Solicitor General did not object to this clause in the Government Bill. [The *Solicitor General:* I was not then Solicitor General.] But the hon. and learned Gentleman was a constant supporter of the Government, and ought surely to have exercised some vigilance as to such measures when introduced by Government. The evils to be removed were admitted; and he thought the Bill should be allowed to go into Committee, if no stronger reasons than those stated could be adduced.

Mr. *Roebuck:* This Bill was surely retrospective; and from the petitions all coming from one party, the suspicion was raised that it was brought in for a specific object. It was no answer to say that the same clause was in a Government Bill two years ago, for the parties now at work might have smuggled it into that measure.

Mr. *Hume* thought the Bill should be allowed to go into Committee. Any defects pointed out in it might be then remedied; but these law reforms came in very small bits, and he for one was willing to accept the present measure in that character.

Mr. *T. B. C. Smith* said, if the measure was merely to decrease expense, he should not oppose it. But under the guise of a public measure, it was evidently brought in to meet some particular case. Besides diocesan and prerogative administrators, there were those who took out administration because they were parties in an equity suit. Now, it was a common practice for the plaintiff's attorney in the latter case, in Ireland, to send his clerk to take out administration; and if this Bill passed, such an administration would be rendered valid, and a large amount of property swept away from those who were justly entitled to it. He admitted that the hon. and learned Gentleman had made out a case for an alteration of the law in the instance of the will in 1775, and if his Bill was confined to that case he should not oppose it; but the Bill, as it now stood, might be made an instrument for shutting out mortgagees and others from their just rights.

Mr. Sergeant *Murphy:* The Government had objected to this Bill as retrospective. Were they prepared with a prospective measure on the subject? Why not compromise the matter, and, having read the Bill a second time, give the attorneys and profession an opportunity of considering it? As to the objection that such a measure was not recommended by the Real Property Commissioners, it was plain they contemplated doing away with assignments altogether; and, therefore, such a recommendation as that referred to was unnecessary. The hon. and learned Attorney General for Ireland had admitted there was a case for legislation in the instance cited by the hon. and learned Member (Mr. Scott). If they went into the consideration of the Bill, might not other such cases be supplied?

Sir *James Graham* would feel himself bound to vote against the second reading of the Bill if pressed to a division, as a measure retractive in its character, general in its operation, and introduced to meet a special case.

The House divided on the Question, that the word "now" stand part of the Question:—Ayes 27; Noes 30: Majority 3.

Second reading put off for six months.

FIELD GARDENS.] Mr. *Cowper*, in moving the Order of the Day for the House to go into Committee on the Field Gardens Bill, said, it was not his intention to proceed *seriatim* with the clauses of the Bill on the present occasion, but merely to take the step of going into Committee *pro formâ*, for the purpose of

advancing a stage. The right hon. Baronet the Home Secretary had stated that he entertained very strong objections to those parts of the measure which proposed to give power to the Poor Law guardians to make advances out of the rates for the purposes of promoting the allotment system. He intended, therefore, to alter all that part of the Bill, so as to meet the objections of the right hon. Baronet. There were also contained in it three clauses which were intended to apply to local and general enclosures, and for which the Enclosure Bill introduced last year by the noble Lord the Member for Lincolnshire (Lord Worsley) had not provided. The Enclosure Bill which had been recently brought into the House by the noble Earl (Earl Lincoln) at the head of the Woods and Forests, did, however, make some such provision for the rights of the poor; and he should, therefore, await the result of the determination to which the House might come with respect to those clauses, before he struck them out of his Bill. If the House adopted the noble Earl's clauses, he should expunge his measure; but if not, he should still endeavour to obtain the sanction of the House to them. He begged, therefore, to move, that the House do go into Committee.

On the Question that the Speaker do now leave the Chair,

Mr. *Hume* wished to ask whether the principle of the Bill went to give parishes the power of purchasing land? To that he had a very strong objection. If the hon. Member wished to proceed on the present occasion *pro formâ* merely to amend his Bill, he should not oppose him.

Mr. *Roebuck* said, that the only way to amend the Bill was to strike it all out. He had a great objection to it. He thought it was altogether very suspicious, and, in order to end it at once, he should move as an Amendment that it be committed that day six months. It was far better to do so than to call hon. Members down to that House uselessly to discuss it a second time. He had attended there for the express purpose of entering upon the discussion of its merits, and he had hoped that the right hon. Baronet the Home Secretary would have interfered with the further progress of the hon. Member's scheme. He was of opinion that the labouring man ought to be maintained by wages, and by no scheme purporting to have humanity for its basis. The Bill before the House would render the waste lands of England the means of supplying the deficiencies in the labourers' wages. If the hon. Member merely sought to afford means of recreation to the labouring classes, he might have been inclined to agree to it. But that was not his object. The Bill had no such tendency. The main object of the measure was to supply the deficiency in the wages of the labouring classes. It was a sort of supplementary poor law. It was an attempt to rob the poor under the guise of humanity. And how did the hon. Member propose to effect his purpose? He proposed to get a number of persons, inhabitants of a parish together, any three of whom might call a meeting to take into consideration the means of enclosing the waste or common lands belonging to the parish. They then were to have the power of appointing field wardens, who were to have power to take such land, and the Bill went on to enact that these persons might take for this purpose "any land or ground belonging to such parish, or held in trust by the churchwardens thereof, or by the guardians of the poor, and which should not be already cultivated as parish lands." That clause alone would show what the true character of the Bill was. It was not intended by the framers of it to touch the parish lands already under cultivation, for that would interfere with their own plan. But it was intended to take common or waste lands, or forest lands, and to lease them all out in the proportion of not more than half an acre for every householder in the parish who should not be rated to the poor at 10*l*. All this showed that the hon. Member's Bill was a substitute for the poor rate. The Bill did not say that every person having an allotment was to have an allotment of only half an acre to cultivate, but it said that the field wardens were to take only so many half-acres as there might happen to be shareholders in the parish not rated at the amount of 10*l*. The poor, therefore, were to have the land as a means of ekeing out their subsistence. But, for the well-being and the happiness of the country, the labouring classes ought to depend solely for their means of existence upon their wages, and not upon such an allotment system as that of the hon. Member. No doubt for the first three or four years there would be fancy fields looking like gardens, and apparently highly advantageous to the poor. Yes; but

what would be the consequences? The population would be bound to the soil. The cottier system which prevailed in Ireland would become predominant in England, and the same unhappy results would spring from it. That Bill was the first step towards introducing the ruinous and depraved method of dealing with the land which had produced such evil results in Ireland; and he must say that it was the duty of the House, small as were the numbers present, to appeal to the Government, and to call in the aid of its Members, in order to put a stop to so direful a proceeding. Let them not be led away by any talk about the advantages and benefits of field gardens and allotments. Let them meet the question on its broad, its true principle, at once. He was the friend of the labouring classes, and it was to rescue them from the evil consequences of mock humanity that he took the course which he then did. He defied any one to look at the effects produced by the pauper allotments during the last twenty years, and not to see that the people had degenerated under their operation. Here and there, to be sure, was to be seen a pretty garden or a well-cultivated field-plot; and, on inquiry, people were told, "Oh! that's Mr. So-and-So's allotments. Only see how pretty they are, and how comfortable his poor tenants must be." But Mr. So-and-So first got a pretty heavy rent for his land, and next he would have to pay his labourers very small wages. And when the wretched pay which one of these labourers received from his employer was commented upon, the immediate answer was, "Oh! he's very well off. He's got an allotment of half-an-acre. He has plenty of garden stuff. He keeps three or four pigs, and has nothing to complain of." Now, what was the meaning of such philanthropy? A labourer was hired for so many hours to work for his master. He was then made to work so many more for himself, and under the plea of humanity, and of conferring a benefit upon him, his employer defrauded him of the wages fairly due for his labour, and quartered him upon his allotment by way of a recompense. The hon. Member concluded by moving that the House resolve itself into Committee that day six months.

Sir *J. Graham* really hoped that the hon. and learned Member for Bath would not press his Amendment to a division, which would be a very unusual course; for when a Bill was not in the form in which an hon. Member himself recommended its adoption by the House, and asked the House to go into Committee *pro formâ* to introduce his Amendment, it was rarely that any hon. Member objected to that course. He had stated to the hon. Member for Hertford, both in public and in private, that there were certain clauses of the Bill to which he entertained insuperable objections. For instance, he could not consent to the 20th Clause, drawing funds from the poor rates, and charging those funds either with the first purchase or cultivation of the Field Gardens; to the 26th and 27th Clauses also, which were connected with the same funds, and gave a compulsory power to the field wardens, he had insuperable objection. The hon. Gentleman had stated that one of his objects in going into Committee was to remove these grounds of objection; and, if a division were pressed, he certainly could not vote for the Amendment of the hon. and learned Gentleman. But he was bound to state, when considering the nature of the objections on principle advanced by the hon. and learned Member for Bath, that he fully acquitted the hon. Member opposite of bringing forward this measure as a relief to the rate-payers, and as ancillary to the poor rates. He was sure that the motives of the hon. Member for Hertford were most generous and most kind; and that he intended the measure to afford substantial benefit to the labourers. He was sure that those were the hon. Member's motives; but what the effect of the measure would be was a matter of doubt. He knew that small patches of land attached and close to the cottages on a farm, would conduce, in a great degree, to the comfort and happiness of the labourers; but this was a proposition of another kind. The land might be situated at a distance from the cottages; the cultivation might occupy much of the labourer's time; and there was much danger that the system would partake, in a short time, of the characteristics of the cottier system in a sister isle, which had contributed so much to the misery of the population there. He must also remind the hon. Member of the persons who would be the field wardens in the agricultural districts. They were those who were the employers of labour; they were those who entered the market of labour for the purpose of obtaining labour; and they had a strong interest, both directly and indirectly, in reducing

the wages of labour. They were also the owners of cottages which were let to the labourers. They had, therefore, the field wardens in the double capacity of the employers of labour, and of the owners of cottages. It would be the natural object of the field wardens to obtain labour at the lowest possible rate, and to obtain the highest rent for their cottages. They would say, "Here you have half an acre of good land;" (the rent would no doubt be at the ordinary rate for good land;) "you pay 20*s.* for half an acre of good land, that rent is low, and you can afford to work for us at 1*s.* or 2*s.* a week less than persons can work for in a neighbouring parish where there are no allotments." And very likely they would say also, "In consideration of your allotments, you must pay 40*s.* a year more as rent for your cottage." He agreed with the hon. Member for Hertford, that the point to which they ought to look was the well being of the labouring classes. He knew that the hon. Member had no other object; but he thought he would not have done his duty if he had not presented these considerations, and if he did not say that the remarks of the hon. Member for Bath were well worthy of notice. He was willing, however, to go into Committee on this Bill without prejudice to his objections; but entertaining, as he did, his fears as to the principle of the measure, he had felt it proper to draw the hon. Member's attention to these points.

Mr. *Roebuck* did not mean, in anything he had said, to impugn the motives of the hon. Gentleman in bringing in this Bill. He believed him to be guided by good motives; and, if the expression of his approbation on that ground was of any worth, he trusted the hon. Member would accept it. After what had fallen from the right hon. Gentleman, he would not press his Amendment to a division.

House went into Committee *pro formâ*; several Amendments were introduced, and the Bill was reported with amendments.

Physic and Surgery Bill.] Sir J. *Graham:* I am, Sir, about to ask the House to recommit this Bill, with the view of introducing into it some important alterations; and I may perhaps be excused when I say, that if I could have anticipated the extensive difficulties of this subject, I should not probably have presumed to interfere with it; but having bestowed much labour and attention upon it, and having at the present moment reason to believe and to entertain the confident hope that I may be able to effect a practical settlement of this difficult question, I should at this, the eleventh hour, abandon that hope with great reluctance; and I own that I have more hope when I ask you to commit this Bill *pro formâ*, for the purpose of introducing those alterations which I am about to state, than I have ventured to entertain at any former period. I have on more than one occasion, in addressing you on this subject, expressed my very earnest desire, if possible, to adjust the differences which unfortunately exist between the general practitioners of England and Wales, and the College of Surgeons; and I have stated that, in my opinion, a connexion with a body of such eminent superiority for science and ability was a connexion which reflected honour on the entire profession, and was most conducive to its dignity and usefulness. I have expressed that opinion openly and frankly. At the same time, I am bound to state, that differences do exist between the two bodies, which I fear, after much reflection, and after the best attention I can give to the subject, are irreconcilable. The College of Surgeons is in possession of a charter giving the members of that body exclusive privileges, under which they enjoy property of great value, and power and influence commensurate with that property. The general practitioners also are a numerous, and a very strong and powerful body; and if the opinions of a body so numerous and so powerful were to have the complete constituent power in returning the representative body, I believe that in a short time the elected body would reflect only the constituent body, and that the governing body of the surgeons of London would, ere long, be nothing but a reflex image of the general practitioners. Upon former occasions also, I have spoken of the general practitioners in those terms of confidence and of praise which I feel to be their due. In the rural districts, where the subdivision of labour is impossible, they practise as surgeons; and in those cases which need the administering of medicines, they are the dispensers of drugs: their exertions are most useful, and the health and life of a great portion of the community depend on their exertions. At the same time, in this metropolis, where the subdivision of labour is not only possible, but most conducive to the interests of the community, to the practising sur-

geons—to the pure surgeons, if I may use the term without its being taken in a contemptuous sense, is assigned the great duty of being the teachers of the highest branch of this noble profession; and it is by the College of Surgeons that the bounds of science are extended. I attach, therefore, great importance to the maintenance of the College of Surgeons in London for surgeons, as contradistinguished from the general practitioners; and though I may incur censure for the terms in which I now address the House, I conceive that no greater misfortune could befal the medical world, and no greater evil could befal the community at large, than to degrade the surgeons of this metropolis, which we should do if the College of Surgeons were transferred to Apothecaries' Hall; and if we insist on maintaining the connexion between the general practitioners and the College of Surgeons on an equal footing. If the 12,000 or 14,000 general practitioners have each a voice in the nomination of the governing body, this evil will be produced; for the inevitable effect will be, that the general practitioners will supplant the surgeons, and eventually control the College of Surgeons. Having arrived at the conclusion, not hastily, but after deep reflection, I repeat my fear that the differences between the College of Surgeons and the general practitioners are of an irreconcilable nature. On the other hand, I will confess, although I do not admit that all the objections taken by the general practitioners against the ruling powers in the College of Surgeons and the College of Physicians are well founded, and although I think that their jealousies are in some respects exaggerated, yet there are certain precautions which they desire, and which they may rightly require to be taken. The general practitioners state, with respect to the examination of persons in their own branch of the profession being placed in the power of the surgeons, that it is the interest of the surgeons to degrade the standard of the qualification of general practitioners; and that as the level of the general practitioners is lowered, so the comparative heads of the profession in the College of Surgeons would be exalted. Some precautions ought to be taken against such an abuse of power and authority on the part of the College of Surgeons. Having admitted, then, that some precaution on this point is necessary, and fearing, after the attempts which had been made, that it was in vain to attempt to reconcile the differences between the two bodies, I have come to the conclusion that it is indispensably necessary to maintain the interests of the general practitioners, and to secure the dignity of that portion of the profession by the maintenance of a high level and standard of qualification for the general practitioners; and that it is, upon the whole, expedient to incorporate the general practitioners in a College of their own. This decision will give great facilities for attempting to introduce some alterations, and for securing what I think are objects of great public importance. First, I think that, together with the incorporation of the general practitioners, the connexion between the great body of the medical students and the incorporated colleges need not be dissolved; and next, with respect to all the students who shall hereafter enter the profession, a point to which I have always attached great importance may be secured, namely, that the entrance to the profession shall be by one portal only, whatever may be the future destination of the student. I propose that every person who shall enter the profession, whether it is his intention to become a general practitioner, a surgeon, or a physician, shall undergo an examination by one board, and that the standard of competence shall be, in the first instance, the same to all. I contemplate, then, by this Bill, three colleges—the College of Physicians, the College of Surgeons, and the College of General Practitioners; and my proposition will be, in the first place, that no person shall be examined as a general practitioner till he has attained the age of 22; he may now be admitted at 21; and it is with the view of prospectively elevating still higher the general practitioner, that I now propose that the age for examination in the first instance shall be 22, instead of 21. Then with respect to the College of Physicians and the College of Surgeons, I propose to form a joint board of examiners of those two colleges only This board of examiners, to which every candidate for admission into the profession must first present himself for examination, may be composed, I should say, though I will not now enter into the details, of six members of the College of Surgeons, and six members of the College of Physicians. Before examiners appointed by these two colleges, the candidate for admission to the profession must present himself at an age of not less than 22. The control of the curriculum of education would be exercised by this

junction of the board of examiners. Then, I propose that the general practitioners shall appoint another board of examiners, composed exclusively of general practitioners; and if a student of the age of 22 seeks to become a general practitioner, the examiners of the Colleges of Surgeons and of Physicians would grant the permission, after an examination by them, to go before the examiners of the College of General Practitioners. With regard to the Colleges of Surgeons and of Physicians, I propose that at the age of 26, the student may also go before another board of examiners; if he seeks to become a surgeon, that he shall go before the examiners of the College of Surgeons at the age of 26; and if he seeks to be a physician, he shall at that age go before the examiners of the College of Physicians. The only difference will be, that for the general practitioners the age will be 22, and for the surgeons and physicians the age will be 26; and the candidate seeking to be a general practitioner will go before the board of examiners of the general practitioners, and in the other cases they would go before the College of Surgeons and the College of Physicians respectively, according to the branch of the profession they may propose to follow. Sir, I could not have come to the decision of recommending the Crown to grant a charter of incorporation to the general practitioners, without the full concurrence of the Apothecaries' Company. I should not have thought it consistent with my duty so to advise the Crown to set aside the charter to that body. That body, however, acting in the most handsome manner, have concurred with the general practitioners, and have consented to surrender, on terms, the powers of the Apothecaries' Company under the Act of 1815. In the Bill, as now amended, I propose to repeal the Apothecaries' Act. This repeal will obliterate every vestige of that system of five years' apprenticeship which has been thought so very objectionable, so injurious to the character of the general pratitioner. I should state, in frankness to the House, that although on former occasions I said that I did not attach much importance to the powers of prosecution given to the Apothecaries' Company under the Act of 1815, still I am prepared, instead of abolishing these powers, to transfer them entire and intact —neither adding to them, nor taking anything from them—to the new College of General Practitioners. I should now mention, as consequent upon the change to which I have already referred, that I propose some alteration also in the composition of the Council of Health. It has been urged by persons whose opinions are entitled to the greatest respect, that the elective principle should be abandoned, and the power of nomination vested absolutely in the Crown, under certain restrictions. I have stated, and I repeat, that, occupying the place which I now hold, and having introduced this Bill, in concert with many parties, upon another principle, I am reluctant to take that course. It is for the House deliberately to consider that question; but I adhere, as at present advised, to the principle of the constitution of the Council as it now stands. But maintaining it in that form, having erected the general practitioners by charter into a college, I think it absolutely necessary that they should be represented in the Council of Health; and I propose, therefore, that two of the College of General Practitioners, chosen by the Council, shall be members of the Council of Health. I must also say, that I think upon the whole, I ought to supply an omission which I have hitherto made, and that the University of London ought to be represented in the Council of Health. I propose, that either the Chancellor or Vice Chancellor of that University shall be a member of that Council. When I last addressed the House upon this subject, I stated that no arrangement had been come to between the Universities of Oxford and Cambridge, and the College of Physicians, and that it would therefore be necessary to introduce into the Bill a clause exempting Oxford and Cambridge from its operation; the effect of that exempting clause being, to leave to those Universities such power of granting degrees as they now enjoy, so that their graduates would be entitled to practise throughout England and Wales, but they would remain still excluded from practice in the metropolis, and within seven miles around it, by the privilege of the College of Physicians. I am happy to say that an arrangement has now been made between those bodies. It will still be necessary to retain in the Bill a clause exempting the Universities from the operation of the measure; but practically, the agreement, while it lasts (and I hope it will be permanent), will render that clause inoperative. The agreement between the Universities of Oxford and Cambridge, and the College of

Physicians is this—that after a party shall have graduated in medicine, and obtained the degree of Doctor in either of those Universities, he shall, if he think fit (and the temptation is great to induce him to think fit), come up to the College of Physicians for examination; and his diploma of the College will open metropolitan practice to him; but at his previous examination assessors from the Universities are to be present and to take part in it. An objection has been taken to the concluding part of Section 28, which gives to the Council of Health the power from time to time to make regulations, specifying what institutions are to be considered "public institutions" within the meaning of this Act, and what form of testimonial shall be necessary to qualify the officebearers in them, whether they shall be physicians, surgeons, or general practitioners. I think that upon the whole that is an invidious power to vest in the Council of Health. I am disposed, therefore, to omit that provision, and to leave it to the operation of public opinion, and to the various hospitals and institutions, to decide which of the three classes or of the particular candidates is best entitled to their confidence. Some misconception also has arisen with respect to the import of Clause 23, with regard to what is there termed an "inceptor" of medicine; I think that is perhaps a term better avoided, and I propose to introduce the word "licentiate." At the same time it is an important clause, especially as relates to the Scotch Universities. [Mr. *Warburton:* Hear.] My hon. Friend cheers; I am afraid the cheer indicates jealousy; but the right hon. Gentleman below him, the Member for Edinburgh (Mr. Macaulay), would be disposed to defend the just rights and interests of that eminent school of medicine which he more especially represents; for Edinburgh has produced some of the greatest physicians, and to whom the science is greatly indebted; and I think, while we are bound to take every precaution against undue preference of the Scotch Universities, we ought to take care that their just claims shall not be prejudiced. I think also that the licentiates in the Scotch Colleges at 22, on passing not only their examination before their University, but undergoing a stict examination before a board composed from the College of Physicians and College of Surgeons in Scotland, are fairly entitled to all the benefits of general practitioners throughout the United Kingdom. I admit at once that the justice of this measure depends entirely upon the standard of acquirement and knowledge being fairly maintained; and from all my communications, both with the Scotch Universities, and Colleges of Physicians and Surgeons in Scotland, I am quite satisfied that there is no indisposition on their part that the standard shall be fixed high, and being fixed, shall be carefully observed. Observe, the Council of Health will have a general controlling power over all the examinations, by all bodies in the Kingdom. I think the hon. Member for Kendal (Mr. Warburton) appears to demur. There is a power (which I am quite prepared to maintain rigidly) of sending down assessors to be present at these examinations; but if you fix your standard as high as the learned bodies in Scotland by their *curriculum* are prepared to elevate it, and the College of Physicians and Surgeons in Scotland also, and if over the whole you maintain the control of the central ruling authority of the Council of Health, you certainly have taken every reasonable precaution against an inequality of standard and of acquirement. Some doubt having arisen with regard to that clause, I think the phraseology of it may be altered. The purport and intention of it are as I have stated; but for the sake of perspicuity, and to remove all doubt, I alter the language of it to give more strict effect to the object of the Bill. There is some little difficulty, because while prospectively there will be only the three classes—physicians, surgeons, and general practitioners—retrospectively there are certain distinctions in different parts of the United Kingdom; for instance, physicians entitled to a license to practise *intra urbem*, or a license to practise *ultra urbem*. When we go into Committee on the other Bill (the Collegiate Bill), it will be my duty to lay upon the Table a copy of the new charter proposed to be granted to the College of Physicians in England, and to certain bodies holding charters under the sanction of Acts of Parliament in Scotland and Ireland. The general practitioners will receive a charter by prerogative, which it is in the power of the Crown to grant, and on my responsibility I shall advise the Crown to grant it. But I was about to say, that due facilities will be given to parties now exercising limited rights to practise under restrictions, which it will be possible for them easily to remove under the new charter; but in case of their not choosing to avail themselves of those faci-

lities, I propose to introduce into the register a particular mode, by which they will register their existing right, and retain it intact, nothing being taken from it, nothing added to it; but during thir lives they will be entitled to the full enjoyment of the exact privilege they now possess. For instance, a physician licentiate practising beyond the seven miles may register as a licentiate *extra urbem;* a Scotch physician now practising in England will retain his existing legal right, but acquire no additional one by the new Act. I propose to prevent all ambiguity with reference to the assumption of titles. I stated when I addressed the House before, that I thought it most consistent with the principle of this measure, not to introduce provisions for the suppression of quackery by Act of Parliament, but still that the simulation of titles not really enjoyed in conformity with the Statute shall be a misdemeanor. To that principle I shall still adhere. Some doubt has arisen with regard to the assumption of the title of "Doctor" by a general practitioner, not a member of the College of Physicians; I think, upon the whole, it is not unreasonable to insert that title as one which shall not be assumed except by a member of the College of Physicians; but with that single exception, I am not prepared to carry the provisions of the Bill further than they stand in that respect. I am not aware that I have now omitted any point; it is most important that it should be known throughout the United Kingdom what is intended to be proposed, and at the risk of wearying the House I have thought it right to make this statement. I propose now to go into Committee *pro formâ,* and then to reprint the Bill, and postpone the Committee to some day towards the middle of June, leaving till the same day the second Bill with reference to the charters of the incorporated bodies. Immediately after the recess, or, if possible, before it, I will lay upon the Table the new charter of incorporation, which I shall advise Her Majesty to grant. The matter then will be fully and fairly before the public, and time will be given to the country to consider it. I have done my best towards a settlement of this question. If I fail in what I now tender to the House and to the public, I confess I shall absolutely despair; but I cannot at present despond after my communications with the College of Physicians and the College of Surgeons, and the general practitioners, all of whom have consented to this measure, though of course in such large bodies there must be several dissentients. It is an arrangement which I cannot but hope will be conducive to the promotion of the health of the people of this country, and to the honour and harmony of a most meritorious and useful profession.

Sir *W. Clay* wished to know whether the draft of the new charter was now to be laid upon the Table?

Sir *J. Graham* said it was not; but he had no objection to state the outlines of it. He proposed that the council should consist of forty-eight members; that the qualification should be fifteen years of general practice; that the constituent body, voting for the election of the council, should be general practitioners of ten years' standing; and with regard to the council, that there must be the double qualification for the last fifteen years of membership of the College of Surgeons, and also of the Apothecaries' Company.

Colonel *T. Wood* inquired whether this new incorporation was to give a second degree in medicine after a certain number of years?

Sir *J. Graham* answered, that it was not. The general practitioner must, before he could become such, pass a double examination; before the mixed Board of Surgeons and Physicians in the first instance, without whose *initiat* he could not go before the Board of General Practitioners. The general practitioner would have nothing to do with the College of Physicians or of Surgeons. A party desirous to become a surgeon, would in the first instance go before the mixed Board of Physicians and Surgeons; and then for the fellowship he must undergo an examination of a higher character in surgery, before examiners appointed by the College of Surgeons.

Captain *Rous* asked, whether the examinations would be public or private?

Sir *J. Graham* said, the details of these regulations were to be the subject of by-laws, which must receive the sanction of the Secretary of State.

Mr. *Hawes* thought the right hon. Baronet had taken a satisfactory view of the question; and there was no reason why he should despair of effecting a final settlement. Equality of qualification, combined with equality of privilege, seemed to be the main principle of the Bill. At present, however, he (Mr. Hawes) did

not see that there was sufficient security for the observance of that principle, if the 26th Clause (constituting the examining bodies) remained as it was, coupled with the 22nd Clause. The right hon. Member for Edinburgh (Mr. Macaulay) would see that the Council of Health had full power over the regulation of the examination. It might be extremely difficult at present, without their active interference, to constitute a board in Edinburgh; but it was not quite clear that their interference would secure the great principle just mentioned, to the satisfaction at once of the schools in Scotland and other parts. The best security would be, the teacher's being in no case the examiner; that the board should be perfectly independent of schools and pupils. The principle of separating the teacher from the examiner had worked well in the University of London, and had given satisfaction to the public. But these were matters of detail that might be reserved for the Committee, where, he thought, the 22nd, the 23rd, and 26th Clauses would require some consideration. He did not share the apprehensions expressed by the right hon. Gentleman as to the consequences of making the general practitioners the constituent body of the council of the College of Surgeons; but he believed there were now insuperable difficulties in the way of such an arrangement, and, therefore, he thought the right hon. Gentleman had done wisely in making the general practitioners an independent body. He had had extensive communication with the profession both in London and its neighbourhood and the country, and he believed it would receive the declaration of the right hon. Gentleman with great satisfaction, and feel most grateful to him for the pains and care he had bestowed on the measure.

Mr. *Wakley* differed entirely in opinion from the hon. Member for Lambeth. He was inclined to believe that the alterations in the Bill which the right hon. Gentleman had announced would be productive throughout the profession of the greatest possible dissatisfaction. The hon. Member for Lambeth might be better acquainted than he was with the feeling of the profession; but he had had an intimate intercourse with them for the past twenty years, and was in the habit of hearing from them daily from most parts of the kingdom; and his conviction was that they would feel the greatest possible disappointment on hearing the alterations the right hon. Gentleman proposed to make. He was sorry to be compelled to make this statement, because he had hoped the changes intended to be introduced would have improved the Bill, and removed the feeling of discontent that prevailed so generally in the ranks of the profession throughout the country. He had understood that one object of this legislation was to simplify the state of medical law; did this Bill effect this? By no means; for the purpose of carrying his object into effect, the right hon. Gentleman first proposed to repeal the 55th of George III.—the law which prevented a gentleman educated in Ireland or Scotland practising in this country. What did the right hon. Gentleman say now? He meant to transfer the powers and provisions of that Act to the new incorporation; and stated that no person should be permitted to practise in England as a general practitioner, unless he had undergone an examination before this new board.

Sir *J. Graham* said, the hon. Member for Finsbury had misunderstood him. The Bill provided that any person passing the necessary examination in Ireland or Scotland before the Joint Board of the College of Physicians and the College of Surgeons of the two countries respectively, should be entitled to be registered as a general practitioner throughout the United Kingdom; and no power was transferred from the Apothecaries' Act of prosecuting parties so registered for practising.

Mr. *Wakley*: Then, in that case, of what value would the new incorporation be to the general practitioners? It would be the mockery of a benefit, and nothing more. Under the Bill, as it formerly stood, the general practitioner was to derive his right from one examination instituted by the College of Physicians, assisted by a Board of Examiners of the Apothecaries' Society, and the College of Surgeons. That was a more simple arrangement than the present; now, every man before he could practise in England must go before the College of Physicians, or the College of Surgeons, or both, in the first instance. [Sir *J. Graham*: Before a joint board.] He must go before a joint board! But did that elevate the general practitioner in public estimation? It degraded him, and placed him in a lower position. In point of fact, by this very board, in-

stituted between the two Colleges, they repudiated the general practitioner, and declared him unworthy of forming a portion of that board; if the general practitioners were entitled to that respect which the right hon. Gentleman had expressed for them, why not at once admit them to form a portion of that board? But the fact was, the ruling powers of these Colleges had induced the right hon. Gentleman to make their insulting conduct towards the general practitioners the rule for the legislation of that House; he trusted that this disgraceful conduct would not receive the sanction of Parliament. What provision was there in the Bill that removed the hostility felt by the council of the College of Surgeons to the great body of the profession? Did any provision refer in the slightest degree to these parties? None whatever. What was the history of this transaction? He was labouring under so severe a cold that he could not go into it —and perhaps the right hon. Baronet was glad he could not—but the House and the country ought to know it. 12,000 gentlemen had been subjected to the greatest indignity from parties whom he could not then name; a conspiracy against them had been entered into and carried out by the same parties; and the right hon. Gentleman was prepared to ratify what they had done. For many years the profession had been petitioning the House for a reform in the state of medical law; for fifteen or twenty years they had been making every effort to improve their condition. In 1826, one of the largest medical meetings ever held took place in London; a member of the council of the College of Surgeons, Mr. Lawrence, was in the chair; at that meeting resolutions condemnatory of the conduct of the council were adopted, and a petition agreed to which was afterwards presented to that House, praying that the members of the College of Surgeons might be admitted to the elective government of that institution. From that time the subject had been discussed, medical associations had been formed, and Parliament had been entreated to do justice to the great body of the medical men of the country. But, to the astonishment of the Members of the College of Surgeons, a charter was granted to the council of the College, containing provisions of an odious and obnoxious nature. The Members of the College were 12,000 or 14,000 in number; the council consisted of 21 only; yet the council, whose conduct was condemned—the council, who were the individuals who had so misbehaved themselves in reference to the mass of the members, and to whose conduct the most opprobrious terms were applied, and most justly—how were they treated? Were they punished for their conduct? On the contrary, they seemed to be rewarded for their misbehaviour by the new charter, which they received in a secret, private, and, he would say, in a clandestine manner. Did the present Bill propose to alter the powers of that charter, and to place the Members of the College in a better position? In the Bill, as it stood, the powers of the charter were confirmed. In the proposal of the right hon. Gentleman, no reference whatever was made to them with a view to their being altered. Only that day the right hon. Gentleman had had a memorial addressed to him at the Home Office from thousands of the medical men of the country; and he had also that day received a communication from Shropshire, forwarding to him the resolutions of a meeting of the medical men of Shropshire and North Wales, held on the 3rd of April last, one of which claimed the right of admission to the advantages enjoyed under this charter, on the ground of having passed through the same course of study, the same examination, and having paid the same fees. Language of a much stronger kind than this had been used, for the feeling of discontent was general and deeply rooted. Yet the right hon. Gentleman made no proposition for preventing these 12,000 or 14,000 gentlemen from being subjected to the same indignities of which they had before complained. But the right hon. Gentleman had got some kind of remedy; he proposed to transfer them to an institution of their own, which would be a kind of new Apothecaries' Hall. Did the right hon. Gentleman believe that the surgeons of this country would be contented with such an arrangement? The proposition was an insult to them, and if they were contented with it, they deserved to get no redress. Did the right hon. Gentleman propose to place the College of General Practitioners on the same footing as the College of Surgeons? No, it was on an inferior footing, both as to privileges and laws. If it was an equal institution, enjoying equal rights and equal laws, it

would be another thing; but the right hon. Gentleman had yielded to the suggestions of the other governing bodies. The right hon Gentleman stated, that his arrangements were in unison with the wishes of all parties, including the Committee of General Practitioners; but before the middle of June the right hon. Gentleman would know what was the feeling of the profession on this subject. They were denied the privileges to which the right hon. Gentleman allowed they had a right. Were they to be denied the enjoyment of the privileges of their own College? Could not the right hon. Gentleman alter the charter, notwithstanding the council was hostile to the alteration? He had full power to do it, and might dissolve the whole body if he chose. Under such circumstances, was it prudent to multiply corporations? To gratify the ignorant and stupid prejudice of the council, the Parliament was called on to degrade the members of the profession, although they had violated no law whatever. A more unjust proposal could not be made to Parliament. The evidence taken before the Committee of 1834, including that of the most eminent men, Sir Astley Cooper, Lawrence, and Sir B. Brodie, recommended the establishment of only one medical corporation, and examination before one board of competent men. What were surgeons if they were not competent as medical practitioners also? Surgery constituted but a small part of medical practice. Not 20 cases out of 100 in succession were purely surgical cases. The most important part of practice was medical treatment; and if a man was not capable of giving such treatment he was incompetent to practise the profession. Why, then, should the boards be multiplied? He was not aware that the surgeons of this country had forfeited, in any particular, the respect to which they were entitled from that House and from society. Their object was to participate in the government of their own College. The College of Surgeons had one of the most splendid museums in the world; one that was an honour to the country, an advantage to science, and of vast use to medical men; more than 100,000*l.* had been spent upon it; the library of the College contained 16,000 volumes of books. The members of the College wished to have some voice in the government of this institution; and if the right hon. Gentleman knew anything of the feeling of the profession, he would not hesitate to declare that such an arrangement ought to be made forthwith. The council themselves were not satisfied with the charter. During the last year a member of the council (Mr. Guthrie) petitioned the House against it, and had repeated that petition in the present Session. But, notwithstanding the allegations of this petition, and those contained in memorials of the same kind, the right hon. Gentleman insisted on maintaining the integrity of the charter, and the continuance of that injustice so wantonly inflicted on the great body of the surgeons of this country. Did he believe they would be satisfied with being thrust out of their own institution, for the purpose of exercising a miserable privilege elsewhere? What was the title of the new Corporation? [Sir *J. Graham:* "The College of General Practitioners."] It was not a faculty of medicine; it was not a College of Surgeons. [Sir *J. Graham:* It is the title they have given themselves.] He contended that it was a name forced on them by the aristocratic and conceited bodies, the Councils of the Colleges of Physicians and Surgeons. Had they possessed the right of governing their own institutions, they would never have heard of any other names than those of surgeon and physician. A judge had declared, in a recent trial, that the same degree of medical skill could not be expected in the country as in London. Why, there was hardly a country town in England that had not a Brodie in it, with the same amount of talent, but with less opportunity. He undertook to say that the surgeons of this country were the first body of medical practitioners in the universe. In London the arrangements of society separated the medical men into different divisions; but in the country, if a surgeon had a difficult case, one which required promptitude of action, decision, knowledge of anatomy and pathology, and operative surgery, had he the means of casting off his responsibility on some distinguished "pure" of London? Could he send for Brodie or Mr. Liston, or any other man, to take the responsibility from himself? No; he was called on to act at the moment, and at the moment he did act, in a skilful and scientific manner. The operations which many of the country surgeons had performed were never

surpassed in skill by the first men in the metropolis. Many of those men had been in practice twenty or thirty years; yet under the provisions of the charter of 1843 they found young men, who had their diploma only four or five years, exalted to the position of Fellows, while they, notwithstanding their ability and success in their profession, felt themselves disgraced and degraded by comparison with those Fellows. Those country surgeons were not only capable as surgeons, but they were physicians; they were complete medical practitioners, they knew their business thoroughly. For those men the right hon. Gentleman was going to provide a second Apothecaries' Hall. ["No, no!"] The right hon. Gentleman had stated that if the general practitioners got possession of the College of Surgeons, it would become another Apothecaries' Hall. He hoped the right hon. Gentleman would pause before he took the steps he had intimated to the House. The scientific portion of the community had a right to expect that the members of the College of Surgeons should be enfranchised in their own institution. The principle upon which the right hon. Gentleman acted was this: twenty councillors who had misconducted themselves, and brought upon themselves the slight of the whole profession, because they had acted unjustly towards them, were to retain their power; and yet their convenience and feelings were to be consulted, and 12,000 members of the College, who had committed no offence, who had done no wrong, who had violated no law, were to be spurned with contempt from the portals of their own institution. It was the duty of the right hon. Gentleman to diminish the number of examinations, rather than increase them; and it would be advantageous to have one board only, instead of three or four, provided proper arrangements were made. He would take that opportunity of asking whether the right hon. Gentleman would assent to have a Committee appointed to inquire into the state of the College of Surgeons? [Sir *J. Graham:* No, no.] The right hon. Gentleman refused. Well, then, he must admit the facts stated? There would be no justice in refusing an inquiry. [Sir *J. Graham:* There has been one.] That was in 1834. There was quite sufficient then to show that an alteration of the law was required; but more proofs had accumulated since. He hoped the letter from the council to the general practitioners would be printed, without further delay, and laid before Parliament. It ought to have been printed before. Would the right hon. Gentleman print it? [Sir J. *Graham:* The House prints, not I.] He believed that when the House was in full possession of information with regard to that College, the right hon. Gentleman would not carry his Bill; for it would then be apparent that the general practitioners ought not to be left in their present anomalous position, and that they should be removed from the degraded situation in which they had been placed by the charter. With regard to the memorial, that was not sent by the College, but by the council. [Sir *J. Graham:* It bore the Corporation seal.] Yes, doubtless it had the Corporation seal; but the members were never consulted upon it. Upon no occasion, during the whole forty-five years of their existence, had the council ever called the members together to consult them upon any one subject. Moreover, the council conducted all their proceedings with closed doors, so that when the time of election came they elected in the dark. Look at the manner in which the money was dealt with. The College had received 400,000*l.* since 1800, and had never established a single medical scholarship until four years ago out of their funds. The whole proceedings of the College were unjust to the members, who, by their own talent and respectability, had most honourably established themselves in society, while from their own institution they received nothing but insult and indignity.

Mr. *Warburton* said, that, considering the happy unanimity which seemed to prevail on the subject of Medical Reform, he had no doubt that the cause could easily be discovered why he had been induced to abandon the lead on this subject, and leave his mantle to be taken up by the right hon. Gentleman opposite. The Bill had for its objects the establishment of a uniformity of education, examination, and privilege in practice throughout the whole kingdom. The question was, whether the right hon. Gentleman had taken ample security for the accomplishment of those objects. Some of the profession thought not. He feared that, with regard to Scotland, the Bill would have the effect of rendering the system of

medical education there less efficient than it was at present. The hon. Gentleman was pursuing his observations, when

An hon. *Member* moved that the House be counted; but more than forty Members were found to be present.

Mr. *Warburton* resumed: According to the evidence obtained by the Royal Commission to inquire into the management at the Scotch Universities, it appeared that the professors were considered rather lax in their examination of candidates for medical degrees in Edinburgh, because, being paid in proportion to the fees paid, they were interested in the number of persons admitted to degrees. Therefore the provision in Clause 26 of the Bill, which proposed to constitute a joint board, composed partly of the professors of the University and partly of the examiners of Colleges, in order to ascertain the qualification of candidates desirous of becoming general practitioners, took away the security which at present existed in Edinburgh, of the second examination. These, however, were matters which admitted of improvement in the Committee on the Bill. There was nothing in the Bill with respect to the privileges that ought to attach to those who attained a proper degree of education. They must offer rewards in the way of privileges to those who attained a certain standard of education. What were to be the privileges of the general practitioners under the new charter which was to be given them? Would those who were to be examined by the joint board of physicians and surgeons, and by the new corporation of general practitioners, be considered admissible to all situations now held by licentiates of the College of Surgeons? [Sir *J. Graham* observed that they would.] It was also a point worthy of the consideration of the right hon. Baronet, that, as those who were examined in Scotland and Ireland were to be admitted to the practice in England, there should be a reciprocity, and that it should be provided on the other hand that all who reached the standard of education in England, should be admissible to the privileges existing in Scotland and Ireland. He objected to the ridiculous feeling of monopoly on the part of those who governed the College of Surgeons in London, which induced them not to admit into the College those who, as it was termed, had dirtied their fingers with pharmacy or midwifery. What was the case in Scotland? There Dr. Abercombie, and other eminent men, had begun their career as general practitioners, had risen to the rank of consulting surgeons and physicians, and were admitted into the College of Physicians.

Mr. *Acland* thought it would be a great evil if such general and violent statements as those made by the hon. Member for Finsbury against the College of Surgeons were to go forth to the country uncontradicted. It was difficult to collect anything very defined from those statements, beyond the oft-repeated cry against the "pure" surgeons. The simple question, however, was, whether or not the science of surgery, for which the College of Surgeons was founded, was not as a distinct subject, one of national importance. He was quite sure that such was the opinion of the leading men in the profession. He did not see, if the 12,000 or 14,000 general practitioners in the country were to elect and be eligible for the council of the College of Surgeons, how a great evil in the excitement of popular feeling and canvassing which would distract the profession, could be avoided; and it might be doubtful whether, under such circumstances, the leading men in the profession would be the governing body. He (Mr. Acland) had had opportunities of ascertaining the opinions of medical men in the metropolis, and he believed that they had generally much more confidence in the College of Surgeons than the hon. Member for Finsbury was disposed to allow. He denied that the College of Surgeons had shown themselves an exclusive body. During the first four years from 1800, 682 persons were admitted by them to diplomas, which showed an average of 134 per annum. During the last five years, however, they had admitted 2,763 persons, an average of 552 per annum. It must be remembered, too, that the application for the diploma of the College was voluntary, not compulsory; therefore the number who had taken diplomas was a proof of the high value in which they were held. The hon. Member said he felt bound to vindicate the conduct of the College. They had only been influenced by a desire to maintain the dignity of the profession, and, at the same time, to obtain the best security for the future advancement and enlargement of the boards of medical science.

Mr. *H. Berkeley* wished to say one word in explanation of the course which

he had taken that evening in moving that the House be counted. He did so in order to express his extreme disgust that the Motion of the hon. Member for Finsbury should have been stopped on the preceding night, as it was a Motion which he thought ought to have been disposed of before the present measure should be proceeded with. He thought Her Majesty's Government were bound to have given the hon. Member an opportunity of bringing his Motion in the first instance, more particularly as the object of it was to bring before the House the conduct of the College of Surgeons, which conduct, he begged leave to say, had excited the disgust of the greater portion of the medical profession throughout all England. The persons selected as Fellows by that College were in many instances marked by an absence of talent. In fact, they had frequently no reputation at all. He entirely disagreed with the hon. Member who had last sat down in his opinion that those who had not been selected by the council of the College of Surgeons as Fellows had not suffered in their professional interests. He would mention cases in point. He would take the case of a man very well known in the medical profession—one who, he believed, was distinguished for his very great scientific abilities. He alluded to Mr. Dermott. He was a gentleman who had had under his care a considerable number of pupils, some of whom had arrived at all the knowledge of the highest branches of their profession through his instrumentality. Now no person could convince him that a gentleman in Mr. Dermott's position, who was a lecturer, and not a medical practitioner, was not injured in being omitted by the council of the College of Surgeons from the fellowship of their body. He would maintain that it was a slur upon that gentleman, and an injury to him in his profession. [Mr. *Acland* had alluded to patients, and not to pupils.] He said, the gentleman to whom he alluded was a lecturer in the Charlotte-street School of Anatomy, Bloomsbury, where the hon. Gentleman could go and take lessons in anatomy, if he had any mind for doing so. He would take another case in the hon. Member's own neighbourhood. It was the case of a gentleman who had performed operations in surgery as difficult and as celebrated as any ever attempted even by Sir B. Brodie or Mr. Liston. He referred to Mr. Frogley, of Hounslow; and he would ask whether it was no slur on such a man to be passed over by the council of the College of Surgeons? He had had no intention of addressing the House, but he was anxious, after moving that the House be counted out, to assure the hon. Member who had been speaking at the time, that he had adopted that course out of no disregard to the hon. Member, but solely to mark his sense of the position in which the hon. Member for Finsbury had been placed by Her Majesty's Government.

Colonel *T. Wood* objected to the separate incorporation of the general practitioners, which would create party feelings and jealousy, against which he did think the House were bound to set their faces. The incorporation would be a mere mockery, because they were to have no power. It would only cause them to look with envy and dislike on the College of Surgeons. As to that College, not only did the right hon. Gentleman (Sir J. Graham) obstinately refuse any inquiry into the mode in which the charter of the College had been carried out, but he also refused any remedy. The hon. and gallant Member strongly condemned the manner in which the elections to fellowships had been made. The case of Mr. Frogley was a very strong one. The system operated most injuriously on military and naval surgeons: many of them having been absent discharging their duties in distant climates, from the age of 25, would be excluded from the fellowships when they came to settle in the country, after their period of service expired, until they were become superannuated. The officers of the Public Service had never, since the surgeons were separated from the barbers 100 years ago, been considered as apothecaries, and they had always had the right of succeeding according to seniority and merit, if living in London, to the honours of the college, a right which no members who practised as apothecaries possessed. The officers of the Public Service had been deprived of this right. Why? Would the Secretary of State say in what way they had deserved this punishment? He should detail three cases. In the first two, the surgeons had distinguished themselves at Gwalior and Hyderabad, and had merited the thanks of this House. Educated at Westminster School, they were classical scholars, and house surgeons

of hospitals in London, in which they studied five years; they had had a higher course of education than was now required for a fellow or elector. They had been fourteen years in Her Majesty's service. When they had completed their twenty years, and returned to London, they would find themselves excluded from the fellowship, and young men who were infants when they became members placed above them. If they offered to prove their ability by examination, and by the usual fine, they could be restored under any circumstances to the places they held in 1842. The charter that did this was an unjust and oppressive instrument. The third case was not less peculiar. A gentleman of attainments and education, after the usual course of study, was chosen to be teacher of anatomy in an hospital school, and is acknowledged as such by the council of the College of Surgeons. His merit, after a winter probation, was admitted. This gentleman accepted an assistant surgeoncy in the Guards, which took him out of London three months in the year, and was succeeded as a teacher by a junior man, and a junior member of the college. What had been the consequence? This junior had been made a fellow and elector. The man of admitted merit, because he was a surgeon in the Guards, was excluded. The fact was, general dissatisfaction existed in the body of the profession. Still the right hon. Gentleman, upon some principle which he could not comprehend, refused inquiry, which, if it took place, might enable the House to establish the profession on a proper footing.

Captain *Rous* believed all parties wished for the introduction of a Bill that would confer the greatest extent of benefit on the profession. By the Bill of the right hon. Baronet, the members of the council of the College of Surgeons were required to be of fifteen years standing, and they were to be elected by practitioners of ten years' standing; he rose for the purpose of suggesting to the right hon. Baronet that it would be an improvement on that plan that would, he thought, become very popular in the profession, if younger members were to be allowed the elective franchise.

House resolved itself into Committee.

Sir *J. Graham* said, that now the Speaker had left the Chair, he wished to make a few observations in explanation before he proposed his Amendments on the Bill. In the first place, he must comment on what fell from his hon. and gallant Friend the Member for Middlesex. He could not help feeling that some of the observations of his hon. Friend appeared to be frivolous, when he complained of his (Sir J. Graham's) alterations made in his own Bill. But what was it? He had altered this Bill, and had yielded his own opinion to the feelings and wishes of the profession, and then his hon. Friend brought the charge against him that he had most unnecessarily been the occasion of creating divisions in the profession. He appealed to his hon. Friends the Members for Kendal and Lambeth, as to whether a more unjust accusation could be brought by one Friend against another, than by making him responsible for divisions in the medical profession. The hon. and gallant Officer opposite had asked him what powers would be possessed by the general practitioners. The gallant Officer was quite wrong in supposing that they would have transferred to them the powers of the Apothecaries' Act, so as to prevent any one practising who was not a member of that body; for under this Bill persons registered in Ireland or Scotland would have the same privileges as those in England; but in this country these privileges would be enlarged, as he had already explained. It was said that the Colleges of Surgeons and Physicians wished to arrogate to themselves all the powers of the profession; but by this Bill the body of general practitioners of England and Wales would have transferred to them privileges nearly equal to the membership of the Colleges of Surgeons and Physicians. A great deal had been said about the disgust which had been existed with respect to the new charter of the College of Surgeons. He must express his regret at any cases of hardship and injury, which had been inflicted on surgeons of undoubtedly high character, whose names had not been included in the list of fellows. He had no doubt that cases of hardship had occurred, and that the hon. Member opposite was justified in stating the case of the surgeon at Hounslow as an instance of this. But if they did not admit a large proportion of the 12,000 members of the College of Surgeons as fellows, some cases of hardship would unavoidably occur, and it should be remembered that out of this large number they had only to select 550 names. This, however, was only the retrospective opera-

tion of this charter; but in future it would not arise, for when a member of the College of Surgeons was above the age of twenty-six, he was entitled to present himself to the examiners of the College; and if he passed his examination, he was entitled to be placed on the list of fellows. His hon. and learned Friend had alluded to the hardships under which army and navy surgeons laboured, because the period in which they were absent on foreign stations did not count to give them priority in the list. As the charter now stood, the council was to be elected from the list of fellows, beginning with the seniors; and a long absence on foreign service did not count in these cases. He admitted that this was open to objection; and he trusted that he should be able to induce the council of the College of Surgeons to agree to some change. It should be remembered that he could not deprive this large and powerful body of the charter which they possessed, without their consent, and he could therefore only expect to induce them to consent to modify it. He, however, would compare the present with the former charter. Under the former charter, the council was a self-elected body, and no control could be exercised over it by the 12,000 members of the College of Surgeons; but they were bound to submit to the by-laws made by the council, and were sworn to obey them. He had negotiated with the council of the College of Surgeons successfully, and induced them to admit the principle of election as regarded the council. An hon. Gentleman had alluded to the case of the only surgical lecturer in the metropolis whose name had been excluded from the list of fellows. His certainly was a singular case; and no doubt some explanation was necessary, and most probably could be given. With respect to the success of this measure, he had given more time and attention to its consideration than to almost any other measure which he had ever brought forward; and notwithstanding all the predictions of the hon. Member for Finsbury, he believed, on the whole, that the measure would receive the support of the general practitioners. He had been informed that last night the hon. Member had paid a visit to a meeting of general practitioners, and that the hon. Member did not find that his own views were in conformity with theirs; and if he had not been misinformed, the meeting was rather of a stormy character, and that of the 300 persons present, not above ten or twelve agreed with the hon. Gentleman. In the course, however, of a few weeks, when they came to discuss this subject, they would be able to tell what was the feeling of the general practitioners. He believed that the proposed arrangements had satisfied the Colleges of Physicians and Surgeons; and if, as he believed and trusted would be the case, they succeeded in satisfying the great body of general practitioners, the result would be a measure which would prove of great public advantage.

Mr. *Wakley* observed that the right hon. Gentleman said that he was convinced that this measure would ultimately satisfy the great body of English practitioners; if this was likely to be the case, he would not be the person to do anything to prevent it. It was true that he had attended a meeting last night of general practitioners. The committee of that meeting was 72 in number, and contained the names of many most respectable persons; and that committee was the whole Court of Examiners of Apothecaries' Hall, besides other gentlemen connected with the Society of Apothecaries. He should not say anything disrespectful of them; but he was informed for the first time last night that they intended to go for a separate incorporation, and every step that they had hitherto taken had been with that object. He was not aware of this, and it, therefore, led to some misunderstanding; but there was no violence at the meeting, but merely such a manifestation as arises in a public meeting when a strong difference of opinion occurs. The law declared that at the age of twenty-two a man should be deemed perfectly qualified in every branch of medical science; but when he came to be twenty-six years of age, something curious happened to him. During the progress of four years he would be losing his medical knowledge, and would then only be deemed qualified to act as a surgeon. Was it practicable that such an arrangement could be carried out? He trusted the right hon. Geotleman would not adhere to it.

Sir *James Graham* said, that as to the absurdity—as it was said—of students of twenty-two years of age being deemed qualified upon examination, he thought that was not too early an age to allow persons, having studied the profession, and undergone successfully the ordeal of an examination, being entitled to commence practice. But the chief absurdity, as the hon. Gentleman said, was that, after four year'

additional experience, and extending the bounds of their previous skill and knowledge, at twenty-six they should be admitted, on a second and a higher examination of a more practical kind, and conducted with greater strictness, and by the first surgeons and physicians in the realm, into the two highest branches of the profession. This the hon. Gentleman called absurd patchwork, and indefensible nonsense. There was neither patchwork nor nonsense about such an arrangement. Those admitted, after their first examination at twenty-two, when they had acquired additional experience, would be admitted, on due examination, into colleges of which some of the most eminent men in Europe were members. This part of the Bill, however, he would leave to the House, not caring a rush for the vituperation with which it might be visited.

Mr. *Hawes* observed, with reference to the deputation which waited upon the right hon. Baronet, that, had he known that any doubt would have been expressed upon the subject, he would have come down to the House prepared with documentary evidence to show that the deputation did represent a large portion of the medical practitioners. With a few exceptions, he believed they would cordially assent to the adoption of this measure. He hoped the council would be constituted by the Crown. Some efficient control should be exercised over the examinations in the College of Physicians and Surgeons. At the Universities of Oxford and Cambridge, it was necessary for the student to undergo a previous examination in arts before procuring his medical degree. The Bill, generally, had his good wishes, and should have his support.

Mr. *Macaulay* conceived that the general principles of the Bill were uniformity of privilege and qualification. These principles he considered to be those on which any Bill seeking to re-establish the medical profession in this country, should rest. He had formerly expressed his approbation of those principles, and he would repeat that approbation now. As to the particular points of the Bill introduced by the right hon. Gentleman, they could discuss them with greater advantage, and with better effect, when an opportunity had been afforded of considering them, and also of ascertaining the public opinion respecting them; for as the principal object of the provision introduced by the right hon. Baronet, with respect to the incorporation of the general practitioners had been, as was represented, the allaying of discord, and the pacifying of existing discontents; of course the very test, by which they were to judge of the wisdom of the measure, was the effect which, during the next month, it would have in allaying those discontents. The hon. Member for Lambeth had made use of an expression in which he could not concur, respecting medical schools. He did not rise to defend these schools to any extent to which he did not think them entitled, nor did he prefer the interests of the University of Edinburgh, or of the College of Surgeons or Physicians there, to the general interests of science. He only wished to say this, that if his hon. Friend looked into the Bill, he would see that it did contain provisions which made it impossible that these bodies could establish any system of bad or defective examination. There was no provision which these bodies themselves would not be ready and willing to adopt, of which the effect would be to keep up the qualifications of the medical schools of Edinburgh to the same point as that attained by the medical schools of this country, and which, indeed, the University of Edinburgh, the College of Surgeons of Edinburgh, and the College of Physicians of Edinburgh, would not be the first to petition that House to adopt. He was satisfied that there was no provision which could be devised, for the purpose of keeping up the medical qualifications there and elsewhere, which would not meet with both the cordial approbation and willing co-operation of the bodies to whom he had referred. He heartily concurred with the hon. Member for Kendal and the hon. Member for Lambeth, in what they said as to the way in which the Council of Health should be constituted. He must say that he thought it a desirable thing that this council should be constituted by the Crown. He did not think that any person could suppose that the right hon. Gentleman leaned to such a provision from any desire to get patronage into his own hands. As the right hon. Gentleman had indicated that he was clearly of opinion that that was the best mode of appointing the council, if, when they went into Committee on the Bill, the right hon. Gentleman did not move for the insertion of a provision securing such mode of ap-

pointment, he (Mr. Macaulay) would. The very strongest arguments existed in favour of this board being nominated by the Crown. He was disposed to give a cordial support to the Bill.

Sir *James Graham* did not think that the nomination of the Council of Health ought to be in the Crown.

The House resumed. Bill reported with amendments. To be re-committed.

House adjourned at a quarter to one o'clock.

HOUSE OF LORDS,

Thursday, May 8, 1845.

MINUTES.] BILLS. *Public.*—1ª. Exchequer Bills.
2ª. Public Museums, &c.
3ª. and passed:—Fresh Water Fishing (Scotland); Privy Council Appellate Jurisdiction Act Amendment.
Received the Royal Assent.—Sugar (Excise Duties); Customs (Import Duties); Auction Duties Repeal; Bastardy; Sheriffs (Wales); Colonial Pessengers; Companies Clauses Consolidation; Companies Clauses Consolidation (Scotland); Lands Clauses Consolidation; Lands Clauses Consolidation (Scotland); Railway Clauses Consolidation.
Private.—1ª. Rochdale Vicarage (Molesworth's Estate; Hungerford and Lambeth Suspension Bridge; Huddersfield Waterworks; Clifton Bridge; Nottingham Inclosure; Morden College Estate.
2ª. Edinburgh Life Assurance Company; Newcastle-upon-Tyne Port.
Reported.—Glasgow and Shotts' Road; Surrey and Sussex Roads; Foulmire Inclosure.
3ª. and passed:—Duke of Argyll's Estate.
Received the Royal Assent.—Fisher Lane (Greenwich) Improvement; Manchester Stipendiary Magistrate; Forth and Clyde Navigation; Ellesmere, Birmingham, and Liverpool Canals Union; Wallasey Improvement; Kingston-upon-Hull Docks; Birkenhead Commissioners Dock; London Orphan Asylum; Amicable Society Assurance; Sparrow's Herne Road; Shelsley Road.

PETITIONS PRESENTED. By Duke of Hamilton, from Dunbar, and several other places, against any Alteration in the present System of Banking (Scotland).—By Lord Brougham, from Rochdale, in favour of Increase of Grant to Maynooth College; and from Debtor Prisoners of Cardigan, Horsham, and Salop, for Abolition of Imprisonment for Debt.—By the Bishop of Norwich, and by Earls of Falmouth, Fitzwilliam, and Winchilsea, from Clergy and others of Harston, and numerous other places, against any Increase of Grant to Maynooth College.—From Inhabitants of St. Alban's, against the Insolvent Debtors Act Amendment Act.—From Winslow and several other places, for Protection to Agriculture.—From Inhabitants of Mevagh, for Encouragement to Schools in connexion with Church Education Society (Ireland).—From Manea, and a great number of other places, for the Suppression of Intemperance.—By Earl Fitzwilliam, from Appleby, for the better Observance of the Sabbath.—By Bishop of Norwich, from W. C. Trevelyan, for Limiting the number of Licenses for the Sale of Spirits; and from Wheatley and Shotover, for the better Regulation of Beer Houses, especially on the Sabbath.

RAILWAYS.] Lord *Brougham* presented a petition from George Sowerby, Esq., of Kettle Hall, in the county of Rutland, complaining of the encroachment of the railway from Syston to Peterborough upon his grounds, upon which he had expended a considerable sum of money, and which would, by this intrusion, be rendered valueless to him.

Earl *Fitzwilliam* said, that the case of the petitioner was one of considerable hardship; but the railway in question was calculated to confer great advantages upon that part of the country through which it ran.

Lord *Redesdale* said, that the only way in which the evil could be prevented was by the intervention of Parliament. If they threw out two or three Bills which were calculated to cause injury to private property, or undue interference with private rights, it would have the effect of going far towards preventing the infliction of many of those evils.

Lord *Campbell* said, there was no difficulty in the present instance, because the railway was cut through the petitioner's ground, and he would receive compensation not only for the ground taken, but also for all the consequential damage which might be done to his estate. And juries, he knew from experience, always felt inclined to give most ample damages in such cases [" No, no!"] It was a great hardship when a railroad did not touch the property of an individual, but only came close upon it. There no remedy whatever could be obtained.

Lord *Brougham* read an extract from a letter of the petitioner, in which he stated that the line "raked his ground from one end to the other." That was a very expressive phrase—one describing a very destructive operation. His noble and learned Friend was never more mistaken, if he supposed that juries were now inclined to give proper compensation to parties whose land was taken for a railway. At one time they were inclined to give even extravagant compensation, but the tide had now set quite the other way. He was sorry to see a bad spirit prevailing among railway projectors, as if they were set up as an interest contrary to the landed interest. He had lately seen the *Railway Gazette*, and in the account of railway proceedings there was a constant carping against what they called "the land;" any compensation obtained from them was called "another job of the land." He agreed with the noble Lord (Lord Redesdale) that the postponement of any Railway Bill that presented cases of very injurious cutting up of property would be likely to provide a remedy

for it. He wished, on every account, that Parliament was prorogued; he did so on private and personal and on public grounds. He hoped the business of the Session would be brought to a close as soon as possible, and that the prorogation would not be delayed a single hour on account of the Railway Bills pending. If it was delayed on that account they might sit all the autumn; but if they rose, during the vacation the railway gambling fever would subside.

The Marquess of *Salisbury* said, with respect to the jury whose duty it would be to assess damages, that almost every one was more or less concerned in railways, so that it was nearly impossible to bring together a jury to assess reparation, some members of which were not interested in them.

Earl *Fitzwilliam* would throw out for their Lordships' consideration the question, whether there ought not to be established some principle on which the land used by railway companies should be purchased by those companies? There were, he was willing to admit, great difficulties in the case; but they were difficulties which, in his opinion, might be got over. It was impossible that a large number of persons living along an extensive projected line of railway, could all receive the same amount of remuneration, without some principle to regulate the amount of remuneration. There ought to be a principle laid down to guide a person who would be so affected, in the price which he should demand from the company for the land which they were desirous to purchase, and also to guide the arbitrators or jury who were to assess the amount of reparation which such a person ought to receive. There was a very great disparity between the positions of different persons whose property might be affected by railway lines. Thus, one man might be a rich man, or a man of influence, who could do a great deal to protect his own interests, and another might be a poor man also affected by a projected railway line; but the poor man would not be in a condition to protect himself, or defend his interests against the encroachments of such a railway. One man might be well informed, and, from his station in society, perfectly acquainted with the mode of defending his interests—with the rules of their Lordships' House, for instance—and might possess such a station in the country as would enable him to defend himself against any loss or inconvenience from the encroachments of a railway company; but another man affected in his property by a railway, might possess neither the information nor the influence of the former, and consequently, could not so successfully protect his interests. He thought, therefore, that something ought to be done in order to place those men on an equality, so far as regarded their power to defend themselves and protect their own interests.

The Duke of *Wellington* said, he thought the House and the public were under the greatest obligation for the suggestion which had been made by the noble Lord near him (Lord Redesdale). He had been long of opinion that landed proprietors, and particularly small proprietors, who could not well come before Parliament to defend their interests, were placed in the hardest situation possible in the case of the interference with their property on the part of railway companies. When they considered that those undertakers of railroads possessed a great monopoly in the transport of goods and persons, and when they considered the enormous profits which they made originally by gambling in railway property, and next by the ordinary traffic of the railroads, he believed they would admit that some principle ought to be adopted by Parliament, in order to secure a fair, at least, if not a liberal compensation for those proprietors through whose property railroads went.

The Duke of *Grafton* said, that generally speaking, arrangements were made between owners of property and railway Companies by mutual agreement; and when this was not the case, a jury was appealed to. This appeared to him to be the constitutional mode of proceeding, and he did not think that it could be altered for the better.

The Earl of *Winchilsea* thought that great injustice was inflicted by the mode in which persons were permitted to defend their interests. He thought that when compensation was given to a rich man of a greater comparative amount than that which was given to a poor man, because the rich man was in a better condition to defend his interests, nothing could be more calculated to set the middle classes of this country against the higher classes. He knew of one case in which, as he was assured by a friend of his, a landed proprietor got a bond which secured him the payment of a sum of 10,000*l.* in case a certain railway went through his property. The line of the railway was made to go through his

property; but, in consequence of the existence of the bond, the Railway Company applied to Parliament for leave to construct a new line by another route, which went through the property of a gentleman in the neighbourhood, who did not all expect such an interference with his property, and who scarcely received any notice at all of such an encroachment. In the case which the noble and learned Lord (Lord Brougham) had on this occasion brought before them, he had been informed that the slightest deviation from the line by the railway company would obviate all the inconvenience which was complained of; but the railway company refused to undergo the expense. If the Bill for this railway came before the House he would divide against it, for he was opposed to permitting this cutting up of property and injury to private feelings, where it could be prevented.

Lord *Beaumont* felt rather suprised that this discussion, and the speech of the noble Duke, had taken place after the discussions on the Railway Clauses Consolidation Bill, and the Land Clauses Consolidation Bill, instead of occurring previously to, or forming part of, those discussions. Those Bills were diametrically opposite to the just and fair principles laid down in the speech of the noble Duke opposite. The noble Duke said they ought to adopt a principle which would secure a fair compensation to those whose property was affected by a railway line; and he perfectly agreed with the noble Duke in that view, for he thought there was a very great difference between the position of various parties who might be affected by railway lines: one might be a poor man, and totally unable to defend himself, whilst another might be a rich man, and comparatively capable of protecting his own interests. The Bills to which he had already alluded, the Land Clauses Consolidation Bill and the Railway Clauses Consolidation Bill, might be made to affect those cases, but they were totally opposed to the principle laid down on that evening. Those Bills had been hurried and forced through the House by the Government; but he hoped that when they came up from the other House clauses would be introduced into them that would have the effect of carrying out, as far as such was possible, the principle laid down by the noble Duke.

Lord *Stanley* said, that the noble Lord was under a mistake, in supposing that those Bills were to be again before their Lordships, as they had already received the Royal Assent. The object of those Bills was to affect Railway Acts generally, and not to affect single cases of interference with property, which could be met by the existing law on the subject. He denied that the Government had forced the Bills hrough the House, for they had been fully discussed in their various stages, both as regarded the principles and the details. They were certainly not passed through the House with an unusual or unjustifiable degree of haste. He thought that however desirable it might be to effect the object, they could not lay down a general principle with respect to compensation for property that was interfered with by railways. They might lay down a rule that twenty-five or thirty years' purchase would be a sufficient price for land, but that would not meet all the difficulties which would be caused by the severance of land, or a nuisance created by a railway line. The circumstances might vary in each individual case of the interference of railways with private property, and there would consequently be a great difficulty in laying down a general principle which would apply to all those cases. They should recollect, with reference to such a principle, that the inconvenience which resulted to an individual through whose property a railway ran was not to be measured by money alone or any pecuniary calculation, as it might principally affect his comfort or convenience. The Bills to which the noble Lord (Lord Beaumont) alluded, had done as much towards making a just and equitable arrangement as was possible. They empowered a person through whose property a projected railway was to pass, to refer his claim to a jury if he were not satisfied with the amount of compensation offered to him by a railway company; and if the sum claimed were below a limited amount, he was permitted to bring it before two justices, thus affording him an easy and inexpensive means of redress. If the party claiming compensation brought his claim before a jury, and they awarded him a larger sum than the railway company originally offered to him, they were bound to pay the award of the jury and the whole costs of the proceeding. But if the award of the jury were for a smaller sum than that which the railway company offered to the claimant for compensation, and if there were a presumption that the person so claiming had made an exorbitant demand, then there was no reciprocal justice done, for the person claiming compensa-

tion was not bound to pay the costs of the proceeding before the jury, and he was only called on to pay his own expenses, the railway company being obliged to pay theirs. In his opinion Parliament had not failed to do its duty, for it had provided the claimants to compensation with a cheap and impartial tribunal. If cases of individual hardship were brought forward, Parliament had it in its power to deal with them, and prevent injustice under the sanction of law, by rejecting a Railway Bill altogether; but he had the strongest doubts as to the practicability of establishing a principle which would apply to all cases.

Lord *Beaumont* said, that if he had been in error as regarded the fact of the Bills being again before their Lordships, it appeared he had not been in error as regarded the haste with which they had been passed, as he was not aware, until the noble Lord had stated it, that the Bills had received the Royal Assent. He denied that the poor man had protection under the law which their Lordships had given their assent to so recently; and his accusation against the Government was, that they had not legislated in a full and extensive way, in order to meet the hardship which was produced in the case of a rich man and a poor man being equally injured by a railway, when the rich man obtained an amount of compensation greater in amount than that which was given to the poor man. The rich man could afford to fee counsel to protect his interests, but the poor man could not, and was likely to suffer in consequence. There ought to be some Parliamentary protection for petitioners; and as an office had been already appointed to inquire into the extent to which public rights or privileges were interfered with by railway companies, he thought a similar office might be appointed to inquire into private and personal injuries.

The Earl of *Dalhousie* stated that the measure with respect to railways, to which the noble Lord had alluded, had been repeatedly debated by their Lordships in its different stages. So far as the Parliament had it in its power, it had adopted means for the protection of parties through whose property railways were to pass, and in order to place the rich man and the poor man on an equal footing. It was true that the poor man could not have the advantage of paid counsel to defend his interests against the proceedings of a railway company; but he would suffer the same evil in case he went into a court of justice, and he feared that all the ingenuity of the noble Lord or of the Parliament would be insufficient to prevent the evils that would affect a poor man as compared with a rich man. The Parliament had done as much as lay in its power, and had provided an easy and accessible tribunal for the poor man.

The Earl of *Belhaven* was confident that if every railway company was obliged to form an arrangement with the landed proprietors before they came to Parliament, much of the injustice now committed upon the poor landed proprietors would be avoided.

Lord *Vivian* concurred in the opinion, that at present the rights of the poor man as against the railway companies, were most inadequately protected.

Lord *Brougham* said that one of the Standing Orders which he had laid on the Table, and which he should bring under the consideration of their Lordships immediately after the recess, would go to give the poor man greater facilities for defending himself from injustice and spoliation.

The Marquess of *Londonderry* said, that in the case of the coal districts, the railway companies only gave compensation for the land which they actually passed over, whereas their works might do much injury beyond what the compensation provided for.

Lord *Dalhousie* said, that there was a series of clauses introduced in the Bill just passed through Parliament, which provided especially for the case of mines, providing not merely for compensation for the surface of land occupied, but for valuable property which might lie beneath.

House adjourned to Friday, the 16th inst.

HOUSE OF COMMONS,

Thursday, May 8, 1845.

MINUTES.] BILLS. *Public.*—1°. Scientific and Literary Societies; Indemnity; Military Savings Banks; Coroners (Ireland).

Private.—1°. Irish Great Western Railway (Dublin to Galway).

Reported.—Leeds, Dewsbury, and Manchester Junction Railway; Scottish Central Railway.

3°. and passed:—Clifton Bridge.

PETITIONS PRESENTED. By Mr. Forbes, and Mr. Forman, from Gargunnock, Kincardine, and Bridgewater, for better Observance of the Lord's Day.—By several hon. Members, from a great number of places, against the Grant to Maynooth College.—By Mr. Dugdale, Mr. B. Hughes, Lord Norreys, and Col. Trevor, from several

places, against Union of St. Asaph and Bangor.—By Mr. Sergeant Murphy, from Wokingham, complaining of the State of the Parish Church of Wokingham.—By Mr. Baring, from Hutton, and Mr. Hutt, from South Australia, for equalizing the Duty on Canadian and Australian Corn.—By Mr. M. Sulton, from Attorneys and Solicitors of Cambridge, for Removal of Courts of Law and Equity to Inns of Court.—By Sir C. Napier, from Marylebone, for obtaining the Pardon of Frost, Williams, and Jones.—By Mr. Berkeley, and Mr. Kemble, from several places, for Repeal or Alteration of Insolvent Debtors Act.—By Mr. Dugdale, from Justices of the Peace of the County of Warwick, against Justices' Clerks and Clerks of the Peace Bill.—By Mr. Baskerville, Mr. Carew, and Mr. Dugdale, from several places, against Parochial Settlement Bill.—By Mr. Bramston, Mr. Mackinnon, and Sir C. Napier, from several places, for Alteration of Physic and Surgery Bill—From Isaac Ironside, of Sheffield, for Alteration of Poor Law Amendment Act.—By Lord Robert Grosvenor, from the Parishes of St. Michael and St. Olave, in the City of Chester, for Alteration of Law relating to Promiscuous Intercourse.—By Mr. Brotherton, Lord Robert Grosvenor, Mr. Rice, and Col. Trevor, from Pollokshaws, and several other places, for Diminishing the Number of Public Houses.—By Mr. T. Duncombe, from Robert Wallace, complaining of Railway Monopoly.—By the Lord Advocate, from several places in Scotland, for Ameliorating the Condition of Schoolmasters (Scotland).

STANDING ORDERS — IRISH RAILWAYS.] Sir *G. Grey* observed, that the substance of the Motion of which he had given notice had been partially discussed in the House the night before, when it appeared that the House thought that some Motion of the nature of that which he intended to propose was desirable. It was far from being his intention to throw any obstacle in the way of the construction of railways in Ireland ; on the other hand, he was favourable to the proper promotion of such schemes for the internal improvement of that country. In regard to the Standing Orders at present in force, no difficulty had been found, so far as the English and Scottish railways were concerned, in complying with them. In Ireland, however, as had been formerly stated, there were peculiar circumstances and local disadvantages which rendered it next to impossible to adhere to some of these Orders. He thought that the best way in which to encourage the promotion of railway schemes in Ireland, was not to bind down the promoters of such schemes to an accidental majority in a Committee. A few clear and explicit rules should be laid down for their government in all cases; and such, when adopted, should be generally adhered to. The Standing Orders, as they at present stood, however, he was led to believe, might be found in many instances inapplicable to Ireland ; and he should, therefore, move—

"That a Select Committee be appointed to inquire and report whether any and which of the Standing Orders which are enforced in the case of Railway Bills in Great Britain, are unnecessary and ought to be dispensed with in the case of Railway Bills in Ireland."

Lord *Granville Somerset* would not oppose the Motion of the right hon. Baronet. The doubt in this matter should be cleared up to the satisfaction of the House. Allegations had been made as to peculiarity of circumstances in the case of Ireland, of the truth of which, if correct, the House should be satisfied. If it should be proved that peculiar hardships existed from enforcing the Standing Orders, from peculiarity of tenure, or other circumstances in Ireland, it was but right that the House should take into consideration the matter contemplated by the Motion of the right hon. Baronet.

Mr. *F. French* said, that if the Motion of the right hon. Baronet the Member for Devonport stood alone, he would not say a word on the subject; but, coupled as it was with the Motion of the hon. Member for York (Mr. J. S. Wortley), which followed it in the Notices of Motion, by which it was proposed to send to the Committee now moved for, "The Report of the Sub-Committee on Petitions for Private Bills on the Great Western (Ireland) Railways Bill"—coupling those two Motions together, he could not but express his deep regret at this attempt to upset the decision to which the House had come the other evening with respect to the Great Western Railway Bill. He was the more confirmed in his belief that such was the object of the two Motions, when he considered that the proposed reference was to a Committee of fifteen Members, eight of whom had already voted against the Bill. Hon. Members had talked of the Committee on Standing Orders as if the decisions of that Committee were infallible ; though it was a matter of notoriety that they had been reversed on many occasions by the House, whose power to do so nobody would deny. That the House possessed the authority of reversing the decisions of the Standing Orders Committee, was beyond doubt. In the very useful and able work of Mr. May, on the Proceedings and Usages of Parliament, it was stated—

"That if the Committee report that the Standing Orders ought not to be dispensed with, their decision was generally fatal to the Bill, although no reasons were ever assigned

for their determination. It was true their Report was not conclusive, and could not preclude the House from giving a more favourable consideration to the case; and there were precedents, under peculiar circumstances, where parties have been permitted to proceed. In order to leave the question open, the House of Commons agrees only to those Reports from the Standing Orders Committee which are favourable to the progress of Bills, and passes no opinion upon the unfavourable Reports, which are merely ordered to lie upon the Table. If there be special circumstances, such as the consent of all parties, or the urgent necessity of the Bill being passed in the present Session, the case is thus brought under the immediate consideration of the House. It must be of a peculiar nature to obtain the indulgence of the House, as the House places confidence in the Standing Orders Committee."

But there were very many precedents of the indulgence being granted within the last few years—such as the Doncaster and Selby Road Bill, in 1832; the Oakington Inclosure Bill, in 1833; the London Bridge Approaches Bill, in 1834; but it was true that the hon. Member for Oxford was not Chairman of the Standing Orders Committee on those occasions. He would give them two cases in the hon. Member's own time, when the House reversed the decisions of the Committee over which the hon. Member now so ably presieed; for instance, the London City Police Bill, in 1829, when a petition was presented, setting forth that the Standing Orders Committee had decided that the Standing Orders ought not to be dispensed with, and praying that they might be permitted to proceed with their Bill, in such manner and under such restrictions as the House might think proper. It was then ordered, that leave be given to bring in a Bill as prayed; and again, in 1840, in the London and Greenwich Railway Enlargement and Station Bill, a petition of the London and Croydon Railway Company was presented, praying that they might be allowed to proceed with this Bill, notwithstanding that the Select Committee on Standing Orders had reported that the Standing Orders ought not to be dispensed with. A Motion was made, that the Report made from the Committee on Standing Orders, to which the petition for the Bill was referred, might be read; and the same being read, it was moved that the Croydon Railway Company might have leave to proceed with their Bill for the London and Greenwich Railway Enlargement and Station; and the same being put to the vote, there appeared for the Motion, 95; against it, 22; and leave was accordingly given to proceed with the Bill. In each and every one of those cases no question was raised, and the Bills became law. It was only when Ireland was to be benefited, that some hon. Members adventured to raise a question of the kind. What had already occurred with respect to this Bill could not now be helped; and he hoped that any new regulation which the House might adopt, might not be framed to act retrospectively. The majority of the House of Commons who had decided on this question, would neither suffer their motives to be impugned, nor their decision to be reversed.

Mr. *W. Patten* said, that the observations of the hon. Member for Roscommon might have better been reserved for the Motion of which his hon. Friend the Member for York had given notice. He thought that the House should first decide whether they would have the Select Committee, and it would then be time enough to point out any particular course or duty to it. He cordially concurred in the Motion for the Select Committee.

Sir *R. H. Inglis* said, that no one would venture to controvert the doctrine of the hon. Member for Roscommon—that the Standing Orders Committee were not so infallible as that the House would not reverse their decisions. No doubt the House would reverse the decisions of that or any other Committee, except Election Committees, from which there was no appeal to the House. But in the case of a railway project, in which there had been not less than 306 non-compliances with the Standing Orders, thirty-three of which were vital, he did think the House should require a very strong case to be made out before it would set aside the decision of the Committee on Standing Orders. It was said that the peculiar tenure of land in Ireland rendered the service of notices more difficult than in this country; but if that were so, let the Committee devise some means of giving to all Bills the same extent of privileges.

Mr. *F. French*, in explanation, denied that there had been any violations of the Standing Orders with respect to the Bill, and this could be put beyond doubt.

Mr. *Shaw* objected to the proposed Committee, which he was sure would end in nothing, and it would be found that

the violations of the Standing Orders were by no means so numerous as had been stated; but, even admitting the fact to be the other way, he thought this a peculiar case, against which the Standing Orders ought not to be too strictly enforced. He had voted for the Motion of his hon. Friend the Member for Roscommon the other evening, though he owned he was not quite satisfied with himself for having done so. He could not speak on the subject without making this admission. He thought, however, no sufficient grounds had been laid for the present Motion.

Mr. *Warburton* was favourable to the appointment of the Committee. Certain allegations having been made, an opportunity of proving them should be afforded.

Mr. *Ward* said, the decision to which the House had come the other night had produced a most unfavourable impression upon all who were interested in railway property; and he thought they were bound in that case to carry out rigorously the principles which they had adopted with regard to railway legislation. The House had no choice but to rescind its former Resolution.

Mr. *Bernal* said, the uncertainty of the decisions of that House in these matters affected the value of railway shares, and promoted jobbing.

Sir *H. W. Barron* did not see why there should be so much discussion in reference to this particular Bill. There was no practical difference, except that this was an Irish Bill, while the others were English Bills, between this case and the case of the other five or six Bills, on account of which the decision of the Standing Orders Committee had been reversed within the last five or six years. The only parties who would be injured by the infraction of the Standing Orders were the proprietors of the land in the line of the railway, and these parties were favourable to the Bill.

Mr. *J. S. Wortley* observed, that the merits of the Bill were not before the House; the Motion was merely for a Committee to inquire into the application of the Standing Orders to Ireland.

Motion agreed to. Committee appointed.

THE BANDIERAS.] Sir *C. Napier* said, it would be in the recollection of the right hon. Baronet at the head of the Government, that some weeks ago he had put to him a question respecting the conduct of Lord Seaton in the case of the Bandieras. He had lately received a letter on the subject, written to him by a relation of his, and as he felt he had done an injustice to the noble Lord, he hoped the House would allow him to read that letter to the House. It was to this effect:—

"The younger Bandiera, under an apprehension that he would be arrested at Trieste, obtained a false passport, and under the name of Consigli, got on board an Austrian steamer, and arrived at Corfu on the 6th of February, remained some weeks, went to Malta, and returned in April. The elder Bandiera deserted the Austrian service in Smyrna, retired to Athens, and met his brother at Corfu in April, where they lived quietly in great retirement, at the house of an Italian priest. Ricciotti, a native of Forli, arrived at Corfu on the 6th of June; he became acquainted with the Bandieras, and against his judgment was persuaded to go with them on their proposed enterprise—got up in a few days, they pretending that they had received important intelligence from Italy of revolutionary movements. Without any previous rumour or preparation, they left the island at night in two boats, reached a Turkish vessel four miles from the port, and had sailed twelve hours before their departure was discovered. The Austrian, Papal, and Neapolitan Consuls, applied to Lord Seaton to request that the fugitives might be pursued and arrested, and that the *Medea* might be employed on that service. This he at once refused, because he did not believe that twenty-one persons, most of them unarmed and unprepared, would have the folly or madness to land in Calabria, a quiet country, and to which province troops from Messina might be sent in a few hours, and because he did not choose that a British ship of war should incur the risk of a collision with men who had committed no offence, and against which none could be proved, were they met with at sea. They would have had fifteen hours start of the *Medea*. It seemed more probable to Lord Seaton that they might be going to Greece, or some of the islands near Corfu. The act would have been illegal on his part, and a great outcry would have been raised against him had any violence taken place, or resistance been made on their capture. The Consuls then demanded a boat to send intelligence to their Government. This he could not refuse, and, indeed, unless he laid an embargo on the port, could not prevent, since any of the Consuls could have a boat for themselves without his leave or assistance. This sailing boat (not a steamer) did not leave Corfu till six in the evening of the 13th, nor arrive at Otranto till the 16th, the refugees having embarked and sailed on the 12th. No informa-

tion whatever from England or Vienna had reached Lord Seaton of the alarm of the Austrian Government in respect to the Bandieras, the rumour in Corfu being that they had quitted the service on account of some professional bad treatment or pecuniary transaction. The refugees landed on the 18th, and were all apprehended by a *judice de pace* and 150 armed police and peasantry before orders were received from Naples on the subject. Lord Seaton sent no steamer nor any letter about them. From want of information, you were in error on the following points:—1. You thought the Bandieras came to Corfu with twenty associates, and you were surprised they had not attracted notice. The fact is, that sixteen of those persons had been resident in Corfu for periods of nine, thirteen, and twenty-seven years, as mechanics, servants, &c. How then should they have particularly attracted notice or suspicion? 2. You speak as if Lord Seaton had suspected their design to depart, or had believed the report that they were going to Calabria. But, as I have shown, there was no ground whatever for any suspicion, and the folly of such an enterprise rendered it incredible to Lord Seaton. 3. You seemed to think there was neither difficulty nor risk in arresting persons guilty of no offence, and without any proof of their bad intentions; and you cited the case of Portuguese refugees going to Terceira, as a precedent. Was Lord Seaton bound to know that case, or regard it as a precedent? But the cases were not the same. In one, the interest of the Portuguese Government was the object, not the safety of the refugees, as was pretty well proved by killing one of them. Suppose resistance had been made, and one of the Bandieras been killed, would you then approve of Lord Seaton's conduct? The Portuguese refugees were known to have made preparation—were armed—their destination and hostility to the Government were known. None of these things were true of the Bandieras' party. 4. You say Lord Seaton ought to have warned them of their danger. What danger? How could he know of their danger, when he neither knew of their design beforehand, nor believed it when imputed to them? They were themselves fully aware that the moment the Consuls discovered their departure, they would report the event to their Governments. Lord Seaton's conduct is not to be judged of by the event of these unfortunate persons' fate. Your sympathy, and that of others, was awakened by that painful issue, but it was not the result of Lord Seaton's conduct. But for this feeling of pity I think it would never have occurred to you or anybody else, that it was Lord Seaton's duty to send a ship of war, at the requisition of Foreign Consuls, to arrest a small number of men who had been living peaceably under his protection, and with no better reason for such a step than that they were suspected by those Consuls, and had suddenly left the island; men guilty of no offence, and no proof of any bad intention having been established against them. Suppose they had no criminal design, but had been arrested at sea by his orders, what might you and others have justly said about his oppressive conduct towards innocent men, and his subserviency to Foreign Powers? I think you will now see that Lord Seaton's conduct amounts to this only—he refused, on the ground of justice and duty, to employ force against men guilty of no known offence, nor, as he fully believed, of any criminal intention. He allowed the Consuls to do that which they could have done without his leave. He was no party to the intelligence they gave. And, lastly, this intelligence was wholly nugatory, for they were all arrested before it could be acted upon. Your's &c."

He regretted the strong expressions he had used against Lord Seaton, and the fact of these men having been so long in Corfu in service perfectly cleared that noble Lord of having any knowledge of their guilty intentions.

CORN LAWS—TRADE WITH AUSTRALIA.] Mr. *Hutt*, having presented a petition from persons interested in land in Australia, praying for the admission of corn, the produce of that country, at the same rate of duty as Canada corn was now subject to, spoke as follows:—I am about to bring under the consideration of the House a proposal for modifying the duty now charged on Colonial grain. This proposal was submitted to the House last year, and rejected by a considerable majority of votes. It may share no better fate on the present occasion. I think it right, however, that the House should be aware that there are some very strong reasons for entertaining it, and that, if rejected, its rejection, which is certain to be regarded by some thousands of our countrymen in another hemisphere, as an act of injustice and misgovernment, will involve all who concur in it in a serious responsibility. In the terms of my present Motion, no reference is made to South Africa, to India, or to any other of our Colonial possessions. I have adopted this course because I have wished to raise the question in its simplest form, and because I know that whenever the Legislature shall be persuaded to make this concession to Australia, it must make it at the same time to the other corn-producing dependencies of the Crown. Now, before I state the case to the House, I would wish to observe that there appears to exist in the minds of some Members of the House a strange misconception of the duties they

are required to perform when they undertake to make laws for the Colonies. They seem to consider that, on such occasions, they are at liberty to consult exclusively the advantage of their own country, and even of that particular interest in it to which they may happen to be attached. I do not think that the right hon. Baronet opposite will acknowledge the validity of such a doctrine. To me it seems both mischievous and unfounded. We are bound on such occasions, before every other consideration, to consult for the welfare of the people for whom we undertake to legislate. We are to provide, in the first instance, for, not our own interest, not our own advantage, but the interest and advantage of those who are subject to our authority. We are bound to secure to them, by every attainable means, beneficent and impartial laws—the fullest possible enjoyment of the fruits of their industry—the utmost possible extension of their arts, their agriculture, and their commerce. I do not mean to represent these obligations as obligations which arise out of any peculiar relations between a parent State and its Colonies; they are duties which attach to sovereignty in all its forms—they are the price and condition of obedience. Whether we are administering the government of Australia or of Ireland, these are sacred obligations from which we cannot be released, for they are due from all who exact towards all who pay allegiance. Next to these objects, if you please, but far below them in the scale of moral duty, comes the consideration of what is due to our country, deeply implicated in the question. And do not suppose that the duties, however apparently distinct, are really at variance with each other. Far otherwise. Pursued with sincerity, and in the spirit of a just and generous policy, there exists between them the closest connexion, a mutual and necessary dependence on each other. The attachment of distant Colonies can only be permanently secured by good government—the Colonies can only contribute to the wealth and resources of the parent State in proportion to the prosperity which they themselves enjoy. Now, Sir, if these principles be well founded, or if they be so to any considerable extent, hon. Gentlemen arrayed on the other side must support their cause by some other assertions than that the measure I propose will cheapen the price of corn in this country, and make another breach in that legislative protection to which they are so fatally attached. In order to make out their case at all, they must show that a free importation of Colonial grain will be of no advantage to Australia, or at least that the advantage it will secure to Australia will bear no kind of proportion to the injury it will inflict at home. That I apprehend to be out of their power. Australia is a country peculiarly adapted to the production of the finest description of wheat. My hon. Friend the Member for Malton, sent a few weeks ago to the Royal Agricultural Society, for exhibition to such gentlemen as might be interested in such matters, some samples of wheat, which were part of a cargo recently arrived from Van Diemen's Land. My hon. Friend did this at my request. I think that those who have inspected this wheat will admit that it is of a quality very rarely to be met with in England. Of such wheat, Van Diemen's Land, South Australia, and some districts of New South Wales, annually produce a much larger quantity than they can possibly consume; and all they require to render this natural exuberance—this bounty of Providence—a source of permanent prosperity to themselves, is a market for disposing of their surplus. The market to which they turn their expectation is in this country. It is very distant—a voyage of four months; but the peculiar dryness of the fine climate of Australia gives to the wheat singular facilities for such transport. Some persons will perhaps treat as chimerical any expectation of creating a large corn trade between this country and the distant Colonies of Australia. It is not, however, many years ago—it is within the recollection of many who now hear me—that the same opinion was formed of that wool trade with Australia, now so extensive and beneficial to the best interests of both countries. We have outgrown the one impossibility, and we may outgrow the other. But this is quite certain, that our wool trade with Australia would never have risen to existence, if we had insisted on levying high and almost prohibitory duties in this country on the importation of Australian wool. Now, we do not entirely prohibit to the Australians all access to our corn markets—for I see by the Returns that in the course of last year they introduced here about 4,000 quarters of wheat; but we impose on this wheat, which has to travel nearly 15,000 miles of ocean before it reaches our shores, a duty of 5*s.* per quarter, which is at about the rate of 25 per cent. on its prime cost. I know

that by law there is a sliding scale in the business, and a blessed contrivance that sliding scale is to the Australian farmer and the Australian importer! For whenever the price of wheat in this country is low, whenever the average here is declared to be under 55*s.* a quarter, and the prospect of the imported wheat bringing a remunerating price is consequently bad—then, on that very account, steps in the Custom-house officer, and makes it worse, by exacting for it the highest rate of duty prescribed in the sliding scale. And at the price at which we have had wheat in this country during the last two years —a price which we can neither expect or desire ever to see increased — Colonial wheat (that of Canada alone excepted) paid the duty fixed at the top of the scale, a duty which amounts to from 20 to 25 per cent. on the price of wheat in Australia—the highest rate of duty which the right hon. Gentleman proposed to fix on the manufactured goods of foreign nations! The people of Australia look upon this almost prohibitory duty, charged by this country on one of their staple productions, as a great hardship and injustice—hardship and injustice which are aggravated in their eyes by the fact that they admit all the productions of this country into their markets without any restriction at all—they are duty free. But this is not all. Corn and wool are the only productions of Australia. Up to last year Australian wool had a protection in the British market of 1*d.* per lb. as against foreign wool. You took that protection off last year, in accordance with the principles of sound policy and scientific legislation. The Australians lost their monopoly. They never complained of it. But they do complain, loudly and indignantly complain, that whatever turn you take they are always sacrificed to your policy. You remove the duty from European wool, and tell the Australian farmer that the proceeding is required by the principles of free trade; and then you insist on charging a duty of 20 per cent. upon his corn, and justify your conduct on the principle of protection and monopoly. What are the people of our Colonies to think of the justice and consistency of the British Government? You treat the Colonists with this kind of careless rigour and caprice—taking care, however, that their interests shall always be subservient to your own—and then you expect to preserve their respect, attachment, and good will. But they have a deeper and more irritating grievance than all this. Men of generous minds will bear with loss, with sacrifice, and even with ruin itself; but they will not brook indignity and insult. In 1843, you passed a law permitting the Canadian Colonies to import their grain into this country at a nominal duty. In 1844, you deliberately refused to extend that advantage to the Colonies of Australia. If this distinction were not unjust, surely it was most unwise and offensive. But I contend that it was most unjust. What have the people of Australia done, to subject themselves to such treatment? They are members of the same equal community as the people of Canada: they are subjects of the same Sovereign, obedient to the same laws. Why are they not entitled to the same favour and protection? It cannot be necessary to tell Gentlemen in whose mind the history of Ireland must be associated with so many painful reflections, that nothing but evil can arise from attempts to institute legislative distinctions between portions of the same people. What can induce you to disregard all the warnings of experience, all the ordinary considerations of justice and prudence, and to sow among a people now devoted to the British Government, the certain seeds of future discontent and disaffection? Is it credible that you are doing all this mischief and injustice merely to prop up an anomaly in your wretched Corn Laws that you ought to be ashamed of? I want to hear your defence. Last year the Government had something to allege, if not in defence, at least in apology for its conduct. It was then stated, and truly, that the southern Colonies had not imitated Canada, by petitioning for the privilege of importing grain into this country duty free. That was the only argument in the speech of the right hon. Gentleman, as well as I can recollect. [Mr. *Gladstone* here intimated dissent.] Well! I know that the right hon. Gentleman did say to me—"For Heaven's sake don't you go and disturb that great settled question, the Corn Laws!" The Corn Law a settled question! Why, there is not one enactment in the whole range of our legislation which bears less the character of permanence or stability. The Corn Law is the great unsettled question. To call it settled, and to complain of disturbance, might do for a smart joke to enliven a farce at the Haymarket:—I do not think it a very convincing mode of reasoning in this House. I trust, therefore, that on this occasion we

shall not hear, as an objection to my proposition, any idle talk about disturbing the Corn Law. If the Corn Laws are to be repealed, there can be little harm in disturbing them. If, as you assure us, they are to be preserved as the perfection of human reason, it is you who have disturbed them, with your partial alterations and anomalies, and not I. Well! last year the Australian Colonies had not petitioned to share in the advantages assigned to Canada. They were silent, and the right hon. Gentleman seemed to believe that I was the only individual on either side of the globe who thought it worth while to make a fuss about their exclusion. Will he say so now? Look at the Papers on the Table of the House! Look to the petitions from the Legislative Council of New South Wales, and the people of Van Diemen's Land! The fact is, that the moment it was known in Australia that the British Government had professed to doubt whether Australia cared about the matter, the settlers determined that in future they should be in no doubt as to their sentiments in that respect—no mistake. Every means by which it was possible to manifest their deep anxiety for a free importation, and their indignation at being debarred from it, was resorted to. The Colonial press — public meetings — the legislative councils—private appeals to persons of influence in this country—all attested the importance which the British settlers in Australia attached to the privilege in question. There is rather a remarkable letter, which I have seen in print, addressed by a Colonist of Van Diemen's Land to the hon. Member for Stockport, imploring the aid of his great energies and powerful talents to procure justice in this respect to his adopted country. I will not trouble the House by reading it. I will not refer to the writers of private letters, nor to the editors of newspapers, to prove my case: they may possibly take a partial or interested view of the question. I will not quote from the speeches or from the resolutions of popular assemblies — popular assemblies sometimes act under the influence of temporary excitement. But I will ask the House to notice the language made use of on this subject by the Colonial Governors. They at least are witnesses without exception. The facts which they assert they must know. Their dependence on the Colonial Office on the one hand, and their own high characters and integrity on the other, must preserve them from all suspicion of misrepresentation or overstatement. What do they say? Here is a despatch of Governor Grey, dated Adelaide, Feb. 6, 1844. It states as follows:—

"One of the causes of the depression and pecuniary distress in this Colony is the ruinous low price of the produce of the soil. Cattle imported from Port Philip, and other parts of New South Wales, displace Colonial cattle, and render native cattle of little value. Sheep, also, for food, are of little value; and we are supplied from New South Wales in abundance. It is only the wool of the flock which is of any value, and for which large flocks are kept by the settlers."

He proceeds —

"If your Lordship wishes to confer a boon upon this Colony, which would tend greatly, if not entirely, to remedy the evils under which this Colony is suffering, and which would indirectly invigorate and tell through all the arteries and veins of this country, you could not fix upon a gift more beneficial and just than the permitting the wheat of this country, not only to have the same favour shown to it as is shown to the wheat of Canada, but to allow it to be imported into England duty free. The voyage from Canada as compared with that from this country, is short; and great frauds, by the introduction of American wheat under the pretence of its being Canadian, are unavoidable. From Adelaide the voyage is four months, or longer; the insurance high; and no other wheat could be introduced into England as Australian wheat, but it must be *bonâ fide* the produce of this island. I most respectfully ask your Lordship to grant this boon to this Colony. It will be highly appreciated by all the settlers here, will be no loss of any consideration to the Revenue of England, and will give such an impetus to this Colony, that the most beneficial effects in every department will be felt throughout the territory."

The next document to which I will solicit attention, is a despatch from the Governor of Van Diemen's Land, dated July 14, 1844:—

"The two great staple products of this island are wool and wheat. Wool now fetches a full price in the market, and the late accounts from England of the rise in its value has inspired a spirit and confidence in the settlers of a most beneficial character. Wheat, however, of which this great country could grow an endless quantity, and that too of the first quality and description, is a low and losing adventure: the price (3s. per bushel) will not pay the costs of production. The question then is, where can a market be found? Not in New South Wales; for it now gets a cheaper article from Valparaiso, &c., and has also placed a duty on wheat of this Colony. Nor can this market be found in any adjacent or

neighbouring countries, where wheat is grown sufficient for their consumption. The only place is England—England, which already appreciates the value and quality of Van Diemen's Land wheat, which is heavier per measure than any other grown elsewhere, and which has the peculiar quality of keeping well, and not being attacked by the weavil. England already has given 9*s*. per bushel for this wheat; and it is bought up rapidly for seed, being of superior quality. I do most respectfully and most earnestly entreat your Lordship to consider favourably the appeal which I made to your Lordship in my despatch, No. 108, 20th of May last, on this important subject. Allow Van Diemen's Land wheat to be imported duty free, and you will break at once the bonds which chain the enterprise and industry of this country, which weigh down to insolvency nineteen-twentieths of the landed proprietors of this territory, which affect indirectly every tradesmen and artificer in this island, and which totally prevent the employment of those passholders who are a dead weight upon British funds for want of employment, and who, unless means are devised to encourage 'the agricultural interests of the Colony,' will render the population of this country a pauper population, instead of one able and willing to support itself."

Now, Sir, will it be possible for me to add anything to the force of these earnest and eloquent remarks? If I can, it must be by mentioning, which I have not yet done, the name of the writer. He is Sir Eardley Wilmot—a gentleman long known to most of the Members of this House, and respected by every one for his distinguished integrity, great intelligence, and knowledge of the world. Sir Eardley Wilmot is connected, by the circumstances of birth, connexion, and property, with the landed interest of this country. For many years he took an active part in the business of this House as the representative of the county of Warwick; and he, with perhaps better means of judging of this whole question than any man living, implores of the Secretary of State to sanction the remission of the Colonial corn duties, with all the zeal and importunity with which the selfish solicit a personal favour. I am delighted that I called for that Paper; not because it makes so strongly for my argument—(I think that was sufficiently established without it)—but because it gives me an opportunity of holding up before the minds of the people of Tasmania the rare singleheartedness and self-devotion of their governor. Let it not be supposed that in advocating this measure I mistake my true position before the House. I am aware that my real opponents are not Her Majesty's Government. The right hon. Baronet knows as well as I do that my Motion ought to be sanctioned by the House. The right hon. Baronet will not reply to my arguments himself. He is too wise a man. He will commit that task to the happy official hardihood of the Vice President of the Board of Trade, whose opinions may be easily disclaimed. My real opponents, in the meanwhile, are the Gentlemen below the gangway, on the other side. Her Majesty's Government cannot disapprove of my proposal, but they will not risk a camp mutiny to support it. Well, then, I address myself to you. I think I can show to you, that if you consider the matter in its proper light, you ought to be my allies, and not my antagonists on this question. I think I can show this, even assuming that your own notions about agricultural protection are just, by proving that a free importation of corn raised in the southern colonies would produce effects very different from those which would result from a free importation of Foreign corn. The advocates of agricultural protection contend that any considerable importation of Foreign corn into this country in ordinary years would throw a portion of the rural population out of employment—that the labourers thus displaced from the soil would resort to the manufacturing districts for work—that the increase of hands in those districts would augment the supply of manufactured goods at the very time when the home demand for them would be diminished by the depressed state of domestic agriculture—and that the corresponding extension of our foreign trade would expose both the rural and manufacturing population to aggravated distress, as often as a derangement of the Foreign market, occasioned by hostile tariffs, preferential treaties with our rivals, or a war, should diminish employment in our towns, and throw back the increased population upon our parishes for support. I hope that I have stated your case fairly. It was my desire to do so. Now, whatever plausibility this economical objection may possess, as applied to the importation of Foreign corn, it is worthless as applied to corn produced in the Australian Colonies. Import corn freely from those Colonies, and there will spring up in them a great demand for land and labour. The increased demand for public land will create a fund applicable by Act of Parliament to emigration; and thus the creation of this fund

will relieve the agricultural districts of the United Kingdom from the burden of maintaining a population outgrowing the means of employment on the land. But this is not the whole extent of the relief which you will receive. The emigration to the Colonies of a portion of the surplus hands, now burdensome to the parishes, will create in the Colonies an increased demand for British manufactures. This increased demand in our Colonies would afford additional employment for labour in the manufacturing towns, and afford consequently additional facilities for the migration thither of the surplus hands of the agricultural districts—a migration, be it observed, not liable on every derangement of the Foreign market to be forced back on the parochial funds for support. Without therefore, entering into the question, on which we might not agree, as to whether the free importation of Foreign corn would or would not aggravate the distress of the rural districts, we come to the conclusion, on the most unquestionable evidence, that the free importation of Australian corn would have a necessary tendency to remove it. Why, then, should you oppose me? I protest that when I look to the recent census returns, and observe the ratio at which the increase of the rural population of England exceeds the increase of the means for employing it on the land, and when I recall the abject misery, the obstacles to all social improvement, created in Ireland by the excessive subdivisions of holdings in that country—and then observe you, of whose intelligence I have no doubt, of whose humanity I have as little, combining to prevent the adoption of measures so obviously calculated to relieve the distress of agricultural labourers in both countries—I know not in what terms to express my mortification and amazement. Take another view of the question:—it will exhibit to you in a different, perhaps it may exhibit to your minds in a stronger light, the injustice and impolicy of your present conduct. You are denying to the Australian agriculturists advantages which, through the Canada Corn Bill, Parliament has indirectly, but at the same time most effectually, conceded to the agriculturists of the United States. There is no use in disguising the matter:—it is impossible to prevent smuggling along that extended line of frontier which divides the States from Canada—utterly impossible. In the course of this year you will see corn and flour, the produce of the United States, come into our market at nominal duties. As American corn finds its way into the British market, the demand for agricultural labour in the republic will be proportionably increased; and the tide of emigration which, under an enlightened system of Colonial policy, would flow towards our Australian settlements, will be directed to the United States. Will you persevere in a course of legislation the inevitable consequences of which will be to accelerate the progress of the United States, and retard the progress of the British Empire? You will do so if you vote against my proposition to-night. At the present moment the power of England greatly exceeds that of America; and if, from any deplorable infatuation, she were to provoke a maritime war, her mercantile marine would probably in a few weeks be swept from the ocean. But every year that passes alters the relative strength of the two countries. Already the population of the United States equals that of Great Britain. Continue, by partial and unjust Colonial legislation, to force the annual swarmings of our rural hives to settle in the American forests, and before thirty years have passed away—before the ordinary course of nature shall have swept from the earth many who now hear my voice—the population of the United States will have doubled the population of these Kingdoms. Where, then, will be our preponderance? Oh, the incurable perversity of human folly! When shall we begin to make a rational use of the mighty means which Providence has placed within our reach? When we shall have a Colonial Minister worthy of the name—a Statesman sagacious and capable enough to turn the direction of our overflowing capital and redundant labour towards the dependencies of the British Crown, and to raise up—as he may raise up in rapid progression—new Anglo-Saxon nations in Southern Africa, Australia, and New Zealand. This, then, Sir, is the case of the British settlers in Australia. I ask the House to concede to them the right of importing their grain into this country duty free—because it is a measure of justice and good government abundantly due to them—because it can now be conceded with grace, and can no longer be refused without disastrous consequences. Why should you refuse it? It will entail no sacrifice of our proper interests. On the contrary, "it is twice blessed—it blesseth him that gives and him that takes." To the Colonies it opens out a new avenue to prosperity and power—to

this country it offers extension to commerce, a stimulus to manufactures, and relief to the suffering rural population; and, while its tendency will be to spread British colonization over the most distant regions of the globe, it will also unite and knit together the various dominions of our wide-spread Empire in the bonds of mutual interest and mutual good will. One word more, Sir, and I shall have accomplished a task which, however, easy it might have been in other hands, has been an arduous task to me. The right hon. Baronet at the head of the Government, when on a late occasion recommending to the House the adoption of an important measure, pointed to a menacing cloud rising in the western horizon. There were persons who said that the right hon. Baronet was then acting under the influence of fear. In that opinion I never was a sharer. I gave my cordial and anxious support to the measure in question. I never believed that by adopting it you were influenced by any motives unworthy of your personal character and exalted station. But now see how the matter stands—and if not for your own fame, at least for the sake of those who ave risked everything to support you, let none of your future acts cast a doubt upon your late Irish policy. See, I say, how the matter rests. You found a formidable confederacy existing in Ireland against British connexion. America threatened you through the side of Ireland:—concessions were made. Canada was not long ago in a state of rebellion:—concession in that quarter was also made. The noble Lord at the head of the Colonial Department admitted that the reasons for adopting the Canada Corn Bill arose out of the circumstances of that rebellion. Now Australia has entered into no combinations—has uttered no menaces—has assumed neither an attitude of disaffection nor rebellion. On the contrary, the people of that Colony approach this House in the language of respectful, earnest, and humble petition. They supplicate the British Parliament that they may be admitted to equal rights and equal laws with their brother colonists in Canada. They await your reply. Will you venture to refuse them? Sir, the British nation will endure with constancy, superior, I entirely believe, to any other race of mankind, misfortune, danger, privation, and pain—the fact is attested by almost every shore and every sea of the globe. But there is one evil which they will not bear, and it is so recorded in memorable annals on both sides of the Atlantic—I mean injustice and oppression from their rulers. The hon. Member concluded by submitting the following Motion:—

"That this House do resolve itself into a Committee of the whole House, for the purpose of considering the following Resolution: That it is expedient to permit Grain and Flour, the produce of Australasia, to be imported into the United Kingdom on payment of the same amount of Duty as is now levied on Grain and Flour the produce of Canada."

Sir *W. James* rose to second the Motion, which had been brought forward in a manner, and supported by arguments, which did great credit to the hon. Mover. The concession, if made by Her Majesty's Government, would be perfectly in accordance with the Colonial policy of the Government, more particularly as instanced in the case of the late concession to the Canadas with respect to its exports of corn to the mother country. The boon was one demanded by justice; and he should not hesitate to say, that it would be worthy of the policy of this Government to unite this country and its Colonies into one zollverein, for the protection of mutual interests. The Colonists were always our best friends; and if we looked to them for favour, support, and protection, in return we must afford them the same. It might be thought that the seconder of the Motion ought to have entered into the question of agriculture and the Corn Laws, but he would not do so. All he asked for was a simple, straightforward act of justice.

Sir *G. Clerk* said, the hon. Member for Gateshead was quite correct in anticipating that his Motion would be opposed; and although he gave a silent vote on the last occasion when the question was under discussion, he was not at all indisposed to state the reasons which induced him to give a decided negative to the proposition now under discussion. He thought the hon. Member had greatly exaggerated the benefits which he imagined the colonists of Australia would derive from the success of his Motion. He was well aware that during the last year the situation of the colonists had created great sympathy, and that the depreciation in the price of agricultural produce had reduced many to a state of insolvency. It was not unnatural for persons in their situation to apply through their Legislative Assembly to the Government of this country for the same

reduction of duty which then attached to Colonial grain the produce of the Canadian Colonies. But he did not think that under any circumstances that trade was likely to be advantageous. The hon. Member said that the same anticipations were expressed with regard to the trade in wool, which had become a trade of very great importance; and the hon. Member said the Australian Colonies were unjustly treated last year by the removal of the small duty of 1*d.* upon the importation of foreign wool into this country. But if the hon. Member had read the next paragraph of Sir E. Wilmot's despatch, he would have found that the price of wool there had considerably increased. The price of wool in this country, instead of being depressed by the measure of the Government, had also greatly increased in price, and the Governor of New South Wales, in dismissing the Legislative Assembly, congratulated them, not only on the improvements in the value of produce generally, but more particularly in the price of wool. He did not think the trade in corn likely to be productive of the same advantage to the Colonies of New South Wales or Van Diemen's Land as the trade in wool, because the corn trade laboured under great and peculiar disadvantages. Samples of the finest quality of wheat had been brought from Van Diemen's Land, which realized 72*s.* per quarter in this country, and was rapidly bought up; but if hon. Members would look at some of the statements which had been put forth, they would see that the length of the voyage, and the exposure to damage from having to pass through the tropics, were great drawbacks. The charges amounted to about 20*s.* per quarter, consequently wheat never could be brought here as an advantageous article of trade, unless prices in this country should be considerably higher than they were at the present moment. He did not think that the proposal of the hon. Member would confer any substantial benefit on the Colonies. A great time must elapse before the colonists could receive any account of the state of the harvests in this country, and they would not have to contend with the high price arising from a deficient harvest, but their corn might arrive after the new wheat came into the market, and when there was a plentiful supply, and prices consequently low. By the latest accounts received from the Colony, dated in January, it appeared that the state of the average prices in England, of which they had then received intelligence, was 54*s.* 9*d.* Now, what would be the result if their corn reached this country in June, when the price was 45*s.* or 46*s.*? The price in Van Diemen's Land and South Australia was 3*s.* 6*d.* per bushel; so that with our prices their trade in corn could not be carried on with any profit. The remunerating price here was stated to be 55*s.* to 57*s.* Now, what would be the amount of duty? At 57*s.* the duty would be 2*s.*, and at 58*s.*, or more, the duty on Colonial wheat would be no more than 1*s.*—precisely the amount at which the hon. Member proposed to admit it. It would be asked, supposing no great quantity of wheat could be brought from the Colonies, what objection there could be to the present Motion? Although the hon. Member did attempt to throw some ridicule upon the settlement of the Corn Laws in 1842, he thought it would be exceedingly unwise constantly to be tampering with the duty on that article, in the growth of which so large a capital was invested. It might be asked why the Government, in 1843, made an alteration in the law which they had passed only twelve months before; but he thought his noble Friend the Secretary for the Colonies gave quite sufficient reasons for that measure, which he had taken to realize the expectations which the people of Canada had been induced to entertain. The Legislature of Canada imposed a duty of 3*s.* upon all American corn brought into Canada; and he must say he had heard with some surprise that smuggling in grain had taken place to a great extent along the Canadian frontier. No such information had reached the Government; and if the hon. Member would inquire into the quantity of flour brought from Canada last year, he would find that smuggling could not have taken place to any great extent, because the imports were not so large as they had been for some years before. His noble Friend, in bringing forward the measure in 1843, stated, that he proposed it in consequence of the engagement into which the Government had entered, and that he felt bound to do so as a man of honour. The case of Canada was considered an exception to the general rule; and upon that and subsequent occasions when his noble Friend was asked whether he intended to extend the measure to other Colonies, he stated that with respect to Canada, it rested upon special and peculiar grounds, which did not apply to any other Colony, and that it was not intended to apply to any other. The hon.

Member did not propose any relaxation of the existing scale of duties with regard to the other North American Colonies, New Brunswick, Nova Scotia, Newfoundland, or Prince Edward's Island. He had even omitted the other Colonies which he last year took under his protection, so that he was far from proposing this as a general measure, and would only create another anomaly in the legislation of this country. The measure at this moment could not be beneficial to those Colonies. Although Van Diemen's Land might export a considerable quantity of grain, the Australian Colonies did not raise a sufficient supply of grain for themselves. The hon. Member might have quoted the importations into New South Wales during the last three years from the Paper which had been laid on the Table. During these years it appeared that although they imported 25,000 quarters from Van Diemen's Land, they imported nearly 38,000 from Valparaiso, and a considerable quantity from Calcutta. Considering these facts, he did not think the hon. Member had made out such a case as would induce the House to alter the present Corn Laws. Although the alteration would have no material effect on prices in this country, the House should recollect how sensitive the agriculturists were with regard to any measure calculated to effect an alteration in the price of corn. A considerable panic had been created by the alterations proposed by the Government with respect to many other articles of produce; and such an alteration as that proposed by the hon. Member would necessarily create a very great degree of alarm amongst the agriculturists of this country. Where no sufficient reason had been shown for the proposed alteration, any change, however small, would create a want of confidence in the existing law, and prevent the embarkation of capital in the necessary improvement of land. The alarm created amongst the agricultural classes by the adoption of such a proposition, would far exceed any benefit which could be conferred on the colonists in New South Wales; and on these grounds he should oppose the Motion of the hon. Member for Gateshead.

Mr. *Labouchere* said, he opposed the Canada Corn Bill when it was introduced, and subsequent reflection had not altered his opinion with respect to that measure. He thought then and now that it was undesirable to raise up protected interests, in regard to corn, in British America. He believed the time would come when certain extensive alterations must be made, and he feared lest the interests raised up by artificial protection would only lead to subsequent disappointment and ruin. These were his reasons for objecting to the Canada Corn Bill. He also felt that other British Colonies would ask to be put on the same footing with Canada, and that it would be impossible for Parliament to refuse any such request. Though he should support the Motion, he was not insensible to the evils of extending a system which he believed to be unwise and inexpedient. But he had only a choice of difficulties, and when he saw the Australians coming forward, and by the despatches of their Governors, and resolutions of their Legislative Council, asking to be put on a footing with their fellow Colonists, he knew not on what ground he could refuse to accede to their request. The Vice President of the Board of Trade argued the question in a singular manner. He said the Colonists mistook their own interests, and that if their request were granted, they could send no corn here of any consequence. Then he was obliged to find some reason for refusing their request. And what was that reason? "Trifling as this is, I am afraid of alarming the agriculturists by acceding to your proposal." Having said that no man of sense or intelligence could believe that any considerable quantity of corn could come in from Australia, he did not pay a very high compliment to the good sense and intelligence of the agriculturists of Great Britain, in saying, almost in the same breath, that he refused to allow that small quantity to come in lest they should take alarm at the measure. He (Mr. Labouchere) quite agreed with the right hon. Gentleman, that we ought not to be continually tampering with commercial laws of this description. Such changes were calculated to produce derangement and uncertainty in the affairs of commercial men; but these observations did not apply to the measure before the House. No man engaged in the corn trade could believe that the proposed change could materially affect their interests. His great objection to the present Corn Law was, that it was a system that could not last. Nobody whose interests were affected by it, believed it could last. It produced all the evils of constant change, while there were inherent in it many other evils under which the country was suffering. He did not profess to believe that any very great advantages to the Colonies would

result from the passing of the proposed measure; but on the other hand, he was of opinion that that which might not be much to grant, might be much to refuse. He thought, when the Australians asked to be put on the same footing as the Canadians, we ought to be able to give a better reason for refusing what we admitted to be a just request, than that assigned by the right hon. the Vice President of the Board of Trade, namely, that we were afraid of alarming the nerves of the agriculturists. On this ground, he should vote for the Motion.

Captain *Rous* said, that the Motion of the hon. Member for Gateshead appeared to him so just, so sensible, and so consistent with the decision which the House had already arrived at in reducing the duties on Canadian wheat, that he could not conceive it possible for any Member who voted for the former proposal to turn short round and record his vote against the present proposal. Intimately connected as he was with the county of Suffolk—a purely agricultural district—if he really thought that the agricultural interests of that county would be injured by the free introduction of wheat from the Australian Colonies, he should be the last man to advocate the measure; but if Parliament thought it just and desirable to admit Canadian corn on favourable terms—if from a country into which American flour and wheat could be smuggled to any amount—if from Colonies inhabited by a mixed population of Indians, Americans, and Frenchmen, one-third of whom would as soon be under the Yankee stripes or the tricolour as the union jack, —if from Colonies where rebellion had often reared its head, and which had cost the mother country millions, England had relaxed her protectional duties on wheat; how much more reason existed for acceding to the petitions of their fellow countrymen in the Australian Colonies, where no foreign wheat could be smuggled, where the blood of the British nation was unmixed, where loyalty and affection to Great Britain were inherent in their hearts, and where the cry of rebellion had never been heard? He begged the House, therefore, not to damp the natural affections of that Colony to the mother country by an act of injustice, nor to wait till they showed symptoms of discontent, before it showed a disposition to appease them by concessions of tardy justice. A friend of his, a great merchant in the city, who traded solely with the Australian Colonies, had given him the following information on the subject under consideration:—For many years the Australian colonists could not export above 20,000 quarters of corn, whereas it was now taken as ballast by ships which were laden with wool, and brought home at an expense of 20*s.* per quarter. South Australian wheat was, at present, 3*s.* 3*d.* per bushel, and at Van Diemen's Land 3*s.* 9*d.* The freight between Canada and Great Britain was from 10*s.* to 12*s.* per quarter; whereas, ships to go out from England to Australia in ballast, in order to bring home a cargo of wheat, could not make it answer under 28*s.* The Australian wheat was of an extraordinary quality, and much prized by the English millers, owing to its peculiar hardness, which enabled them to grind damp English wheat by admixture with this article. It was impossible that the English market could ever be materially affected by the quantity; for it must be shipped in bags instead of in bulk, as otherwise, from the length of the voyage, averaging 120 days, the wheat would heat and spoil; and he wished it to be borne in mind that the freight was double the amount charged on Canadian wheat, the distance being as 16,000 miles to 3,500; therefore there was no reason why Australian wheat should pay a greater duty than Canadian wheat; but there was every valid reason why it should pay a smaller duty, or, in real good faith and good sense, it should pay no duty at all. The hon. and gallant Member stated that he conceived the Colonies to be part and parcel of the mother country, that they were like members of a large family, who to be attached to the parent must be treated equally, and gratified with the same indulgences as other branches of the family, and by whom, it ought to be borne in mind, any difference in favour or affection was sure to be repaid with bitter jealousy and discontent. He had often thought that Providence had in its wise dispensations infused into all nations a spirit of bigotry and selfishness which defeated its own object; and in the case of England that spirit, he thought, weighed down the energies of this mighty Empire. If in former times England had incorporated her Colonies as integral parts of the Empire, and allowed them to send Representatives to the Imperial Parliament, at

this moment the British dominions would have extended to the confines of Mexico, and the United States of America would have been the United States of Great Britain. It was never too late to amend; justice, kindness, and good faith would firmly attach the Australian Colonies; but if England acted on a different policy, if she sacrificed their interests to pander to the exactions of her American Colonies, she would engender ill will and hatred, and break one link in the chain which bound the Australian emigrants to their mother country.

Mr. *M. Gibson* said, that the hon. and gallant Member had taken a very sound view of the question before the House, and knowing how much that hon. Member was looked up to and respected by the agriculturists of Suffolk, he felt persuaded that the course which he had stated it to be his intention to take on the present occasion, and the reasons by which he had vindicated it, would have the effect of quieting those alarms which the right hon. Baronet opposite (Sir G. Clerk) felt so much anxiety about. He could not, however, help thinking that the right hon. Gentleman the Vice President of the Board of Trade was a little premature in his declaration of hostility to his hon. Friend's measure; and he had hoped, and he still did continue to hope, that the right hon. Baronet at the head of Her Majesty's Government would give his assent to the Motion of the hon. Member for Gateshead. Such a course of proceeding would not be unusual nor unprecedented; for when the hon. Member for Lambeth brought forward a Motion for a slight modification of the Sugar Duties Bill, the right hon. Baronet opposite, the present Vice President of the Board of Trade, rose and gave a precipitate negative to his hon. Friend's proposal, whilst the right hon. Baronet at the head of the Treasury almost immediately afterwards rescinded the determination expressed by his Colleague, and the proposition was subsequently carried. He hoped that course would be again pursued on the present occasion. The arguments of the right hon. Baronet (Sir G. Clerk) were of a most extraordinary character. They might be official arguments. They might, for ought he knew, be arguments drawn forth from their concealment in the pigeon holes of the Board of Trade, which his hon. Friend the Member for Wolverhampton had once alluded to. But they were not reasons, still less did they afford any grounds for the course which the right hon. Baronet had intimated his determination to take. The idea which the right hon. Baronet had expressed of the necessity for keeping out Australian corn, because none would come in, appeared to him most absurd. If, again, to advert to another of the right hon. Baronet's arguments, some ignorant and prejudiced persons who frequented a market ordinary, expressed their alarms at the prospect of Australian corn coming in, or at a change in the Corn Laws—alarms which the right hon. Baronet himself admitted were unfounded in any reasonable cause—surely such a circumstance could not, with any propriety be alleged as a reason to the Members of that House for altering the course of their legislation. If such persons would be unnecessarily alarmed, why let them be so; but do not urge their groundless and absurd fears as reasons for not doing that which was just, politic, and beneficial to the Empire. He recollected very well a case almost similar to the present. When there had been a groundless clamour raised against some recent measure of the Government, the right hon. Baronet opposite said, that if people would entertain an alarm for which no real cause existed, they must continue to do so—he could not prevent the folly of alarm, and he was prepared to take the consequences, and to pass the measure in spite of them. The right hon. Baronet at the head of the Government must see that it was not only for the benefit of the Colonies, but of the whole Empire, that corn from the Colonies of Great Britain should be admitted free from duty. One of the arguments used by the right hon. Baronet the Vice President of the Board of Trade had appeared to him so strange, and of so odd a character, that he could not help adverting particularly to it. The right hon. Baronet said he could not agree to the Motion of his hon. Friend, because it was not large enough in its terms, or, in other words, because he did not propose to admit corn duty free from all the Colonies of Great Britain. That certainly did sound very strange as an argument against the present Motion. For his own part he would not only have a free trade in corn with the British Colonies, but with the whole world, if he could get it. But he would take now as much as was offered. He certainly did agree in a sentiment which had been expressed by a right hon. Gentleman, a former President of the Board

of Trade (Mr. Labouchere), when he said that if a free trade in corn was conceded to the British Colonies, there would be some danger of making them partners in the monopoly of corn enjoyed by the agriculturists at home, and consequently opponents of all further change; but then he thought that this danger was counterbalanced by the advance that such a step would be in the direction of free trade. He was for getting all he could in the shape of removing restrictions on the supply of food for the people. He was for getting food from every possible source. He would accept of every concession which tended to remove the restrictions on the importation of commodities or the necessaries of life, and although, by agreeing to the proposal of his hon. Friend the Member for Gateshead, the House might run the risk of rendering the Australian Colonies the opponents of any future alterations in the Corn Laws, still that consideration ought not, in his opinion, to have any weight; and for his own part he was ready to take the chances of such an occurrence, convinced that every step which was made towards a relaxation of the corn monopoly was a step towards the completion of the views which he entertained—namely, an unrestricted trade in corn. If the right hon. Baronet (Sir R. Peel) would not accede to the Motion of his hon. Friend, he hoped he would explain to the House the advantages which, in his opinion, resulted from keeping out Australian corn. It appeared a very natural demand, on the part of the colonists, that they should be allowed to sell their grain in the best market; and it was incumbent on those who denied it to them, to show to demonstration what was the advantage to the United Kingdom of maintaining such a restriction. They were often told of the necessity of planting Colonies, in order to afford a field for our manufactures; but how could it be expected that our manufactures would find such a field if we refused take the products of those Colonies? He would implore the House not to proceed to such a course of folly and injustice, as would be the consequence of rejecting the Motion of his hon. Friend.

Mr. *Darby* said, that when the Canada Bill was brought forward it was stated that it had been introduced on speific grounds, and that the other Colonies were not to expect a similar measure, inasmuch as they stood in a totally different situation. He thought the present proposal was a sort of a much ado about nothing. He could not understand what the colonists were asking for. The hon. and gallant Officer below him (Captain Rous) had read a letter to show that the colonists could not export more than 20,000 quarters. But, perhaps, the hon. Gentleman who had introduced the question, looked forward to the time when corn could be shipped from Hutt's River to this country. He sincerely hoped that the right hon. Baronet at the head of the Government would not assent to the proposition. They were told that only a small quantity of wheat could be imported from Australia; and the right hon. Gentleman opposite (Mr. Labouchere) had deprecated frequent changes in questions of this nature. Both of these arguments were good arguments against the present proposal. The constant tampering with the Corn Laws would unsettle men's minds, and would inevitably lead to the withdrawal of capital from the cultivation of the soil. At the present moment the greatest improvements were taking place in the agriculture of this country, and in no long period a much larger quantity of corn would be produced than there was at the present moment. Even were the trade in corn free, he did not believe that the price of corn would be steadier than it would be under the present Corn Law, if it were not tampered with. The Canada Corn Bill was introduced under peculiar circumstances; and he could not believe that the Government would yield on the present occasion. He did not think there was any danger of the right hon. Baronet at the head of the Government being led away by the persuasive manner and mischievous principles of the hon. Member for Manchester. Looking at the price of corn, he did not see why the hon. Member should have brought forward his Motion at the present moment. ["Hear, hear!"] Hon. Gentlemen cried "hear," but he begged to remind them that there were other parties than the agriculturists who clung to the system of protection. It was in fact quite true what Mr. Huskisson had said, that no person was a free trader in the article in which he dealt. So long as corn was produced in this country in large quantities, so long would they have an equal price; but if capital were withdrawn from agriculture, and if they were to depend on corn from abroad, they would have an unequal price, and the trade of the country would be seriously injured,

He did not despair but that he might see the hon. Member for Sheffield coming round in his opinions, and acknowledging that it was not so much owing to any measures introduced by the Government that the increase in the revenues of this country took place, as to a succession of good harvests, and protection was a means of securing such a wished-for result. The hon. Member for Stockport, however, was to get up a model farm—perhaps its expense was to be defrayed by some of the receipts of the new bazaar. But one of his arguments about getting improved machinery might be very easily answered. The hon. Member said, that no manufacturer would be behindhand for three months in any improvements that might be introduced in machinery. Now, the reason of that was obvious; for the improvement in machinery, by its increased powers of production, brought in an immediate and profitable return for the capital expended. The case, however, was very different where the return upon capital laid out was not available for seven or eight years. The hon. Member concluded by announcing his intention of opposing the Motion then before the House.

Mr. *F. T. Baring* considered this was a question of justice to one of the Colonies. They were bound to deal with their Colonial possessions on principles of equality. They had given certain privileges to Canada, and could not refuse to grant the same when demanded by another Colony. He had contended against the grant of those privileges to the Canadians, but the moment they were given to the Canadians the principle was admitted, and we could not in justice deny to others what we had allowed to them. The Vice President of the Board of Trade objected to the Motion, because it was not extended to all the other Colonies; he admitted the principle as applicable to all; but he thought his hon. Friend had exercised a wise discretion in confining it to Australia, because that Colony had asked for the concession. They had repeated expressions of opinion from the colonists in request of the measure, as well from the Legislative Council as from the inhabitants, under the sanction of the Governor's approbation. The colonists preferred their prayer in the most respectful manner, and the House could not in justice slight it. The right hon. Gentleman opposite had represented this as a matter of very small importance, and the measure as likely to be productive of little advantage to the Colony. That was a new importation from Peebles, a new official argument. He admitted that probably at first they would have a very small importation of corn, and that it would be of comparatively little importance with reference to English interests. The Australians might rely on the language used by the noble Lord the Secretary for the Colonies in reference to the Canada Bill, that though it might be a very small boon for us to give, it was a great point for the Colony to receive. The importation might amount to but a few thousand quarters, but it was of great consequence to the colonists to have a market for the disposal of their surplus produce. It was said that this would interfere with the settlement of the Corn Law. Talk of the settlement of that question, indeed! But, if they really regarded that question as settled, it only made the matter worse. He could understand a Minister saying that it was not worth while to interfere in a case where the present state of things would only continue for a few years; but if it were finally settled, and they yet declined to apply any remedy, what was this but telling the colonists that the injustice was to last for ever? He would not agitate the agricultural mind by suggesting alarms, but it was said this change would produce inconvenience. Was that an argument? A Colony asked for justice, and the answer was that it would be inconvenient to do it justice. He admitted it was very often inconvenient to do justice; but was it likely that parties who believed themselves unequally and unjustly dealt with, would be satisfied with such an answer as that? It might be convenient to do justice to a larger and more powerful Colony, and inconvenient to do it to one less so; but justice was still justice, and if you did not do it to-day, you must do it to-morrow. Nay, he felt assured that they would do it, from the symptoms he observed on the other side of the House, where some hon. Members had determined to take the line pointed out by justice. Then there was another answer. Canada, he was told, was given this boon in consequence of a promise; but who made the promise? Was that our answer to parties complaining of injustice? The reply of those parties was, "You have given to Canada privileges which we, reckoning on your sense of fair dealing,

ask you to give to us." Saying that it was a promise to Canada, was nothing to satisfy the minds of the Australians. An implied promise, he must say, was made when the Legislature gave a privilege to one Colony, that it would not refuse that privilege to any other Colony that asked for it. The argument against granting this measure to Canada was, that it would be the means of encouraging a long line of smuggling; but there was no such danger in the case of Australia. A long line of smuggling might demoralize the Colony. Then they were told, with regard to Canada, that though the Legislature was giving this advantage to Canada nominally, yet it was, in fact, being given to America. That, he admitted, was not an unfair argument; but here there was no such danger. The principle upon which they were called upon to act was that of doing justice to the Colonies. There was, however, one very important argument which Canada had, but which New South Wales had not. Canada was the neighbour of a restless Power. Canada had just settled down from a state of rebellion. Canada was a powerful Colony. Those who were present at the debate at that period would recollect the speech of the noble Lord the Secretary of State for the Colonies. The noble Lord warned the House not to trifle with a great and powerful Colony; and the right hon. Gentleman at the head of Her Majesty's Government also mentioned the state of Canada as one of the great grounds for the House conceding the measure to Canada. He (Mr. Baring) would not deny that those were good and sound arguments for the right hon. Gentleman to urge, whether the measure itself was right or not. But he (Mr. Baring) would say that the absence of those circumstances was not to be used as an argument against Australia. There was no danger there. The people of those Colonies had ever been loyal and true, and would be so; and he felt assured that the House would not consider it as an argument against giving them the same privileges as they had given to others.

Mr. *J. S. Wortley* said, that if he could think that by voting for the Motion of the hon. Member for Gateshead he should be paying a debt of justice to Australia, he would have as little hesitation as the right hon. Member for Portsmouth in supporting the Motion. But he (Mr. Wortley) thought the Colonies of Canada and of Australia were, with respect to this question, placed in very different circumstances. The grounds on which the Canada Corn Bill of 1843 was supported were, that Canada was a province lying adjacent to an extensive corn-growing country, and that care should be taken that, while our Colonial produce was admitted on easy terms, the favour should not extend to the foreign article, for which it was not intended, by the introduction of American flour into the province, and its reshipment thence to England, on the same terms as if it had been the growth of the province. Under the old law, the average duty paid on wheat imported from Canada had been 2*s.* 6*d.* a quarter; and there was no restriction against the foreign article from the United States entering England *viâ* Canada on the same terms; but by the new Canada Corn Law, while the Canadian article was admitted at the low duty of 1*s.* a quarter, the province was required, on the other hand, to affix a duty of 3*s.* on all wheat coming over her frontier from the United States. The result of this was, that though an alteration had been made from a sliding scale to a fixed duty, the average duty paid by American corn *viâ* Canada was much lower than under the former law. Now, if corn from Australia were to be admitted on the terms proposed by the hon. Member for Gateshead, it ought to come on the same terms from all parts of Australasia. But the hon. Gentleman did not propose to make these Colonies, like Canada, impose a duty of 3*s.* on the importation of foreign wheat. He (Mr. Wortley) would himself reprobate any such restrictions, especially with respect to an infant country, unless where peculiar circumstances existed, as in the case of Canada and of East India sugar. He was not prepared to deny his belief that it would be better for England if the Corn Laws had never existed—though the difficulty of dealing with interests that had grown up under the protective system was very different from the opinion that might be entertained as to the original policy of its establishment. But, in reference to the merits of the immediate question, he begged to remind the House that corn from Chili was, some time ago, very near being introduced into England in very considerable quantities, after payment of the foreign duty; and Chili was not so far removed

from these particular Colonies as to make it impossible that wheat should not be imported thence into these Colonies, and from thence brought to England at the 1*s.* duty. He had no apprehension that corn could thus enter in quantities that would be at all injurious to British agriculture; but he wished the House to remember that, by acceding to the proposal of the hon. Member for Gateshead, they would be giving to the people of Canada a fair pretence for saying, you require us to impose 3*s.* duty on the wheat we procure from the United States; you do not require Australia to do this, therefore, you do not put us on equal terms. If the question were in his opinion simply one of justice to Australia, no commercial considerations could induce him to withhold it, and he might even have been disposed to say that the people of Australia, who had been so consistently loyal and orderly, possessed the superior claim. But the one valid argument which he considered conclusive against the hon. Member's Motion was, that the respective positions of the two Colonies were by no means strictly analogous—that the hon. Member's proposal would go to confer on Australia a favour which, after all, had not been substantially conferred on Canada, and would enable the people of Canada to put in claims for more concessions in order to equalize the Colonies.

Mr. *Bright* said, the hon. Member who had just resumed his seat concluded his speech by saying that with these views he should, however reluctantly, give his vote against the measure. But what the views of the hon. Gentleman were, he could not in any way find out. He thought he might, without running much risk, say, that nine out of ten of those hon. Members who had heard that speech were unable to say, distinctly, what the views of the hon. Gentleman were upon this question. He (Mr. Bright) always watched the rising of that hon. Member, because he wished to learn what was the sort of speech he intended to make; for although he confessed that, as a rule, he found the greatest difficulty to tell, while hearing the speech of the hon. Gentleman, what opinion he had formed upon the subject under discussion, yet he had not the smallest difficulty in telling which way the hon. Gentleman would vote. From the hon. Gentleman's speech of to-night, it would appear that his faith had been very much shaken. He did not expect that the hon. Gentleman's speech would give much satisfaction to the large party whom he was supposed to represent. The hon. Gentleman had said that it would have been as well, if not better, if the Corn Laws had never existed; yet he concluded by expressing a wish to nurse these infant Colonies in Australia by the introduction of a law in corn. His hon. Friend the Member for Manchester (Mr. M. Gibson) had very happily described the speech of the right hon. Baronet the Vice President of the Board of Trade; and the hon. Member for Suffolk (Mr. Darby) had come forward as his commentator, and he should say, that the commentator was worthy of the text. From the speeches which had been made on both sides of the House, he was enabled to gather this fact, that the real ground of opposition to the present Motion was an indisposition to make any further change in the laws affecting the importation of corn, the impression being that such change might have some dangerous effect upon the agricultural mind. He wished to know what that agricultural mind was, or rather what this alarm was which was to form the guiding principle for legislation by that House. Some years ago the East India Compan contemplated importing from India an article known by the name of "cutch," which was used for purposes of tanning. The agricultural mind of that day was alarmed least it should interfere with the sale and price of their bark; and they intimated to some Members connected with the East India Company, that they had better not attempt to introduce "cutch," or the agricultural interest might keep a sharp look-out the next time the East India Company's charter came to be considered by the Legislature. Then in the case of the reduction of the duty on wool in 1824, a state of alarm in the agricultural mind was exceedingly prevalent; and yet the result showed that there was not a single thing to justify that alarm. Again, in 1842, when the right hon Gentleman (Sir R. Peel) altered the Corn Law, great alarm was felt by the agricultural mind; but there had not since been any proof that such alarm was well founded. So, in respect to the reduction of duty on cattle, that created great alarm in the agricultural mind; yet he thought the agriculturists would them-

selves admit that they still received a very fair price for their cattle. Again; the Canada Corn Bill created a great panic; and yet the returns showed that there had been larger importations of Canadian corn into this country before the passing of that Act, than had taken place in any year since. The article of wool last year became again the subject of alarm, by the Government abolishing the duty altogether. Certain individuals thought it would be injurious to the wool-growers of this country and the Australian Colonies; and yet it was now unanimously allowed that the abolition of that duty had done no harm either to one interest or the other. He should like to know, then, how long this alarm of the agricultural mind —an alarm certainly created because that mind was not much enlightened upon questions of geography or of political economy—but he should like to know how long this ignorant alarm was to be brought forward in Parliament, either in support of measures which were decidedly bad, or in opposition to measures that were decidedly good? The question which the House ought to decide was, whether it was more important that the alarm of the agricultural interest should by no means be excited, or that the bread-eaters of the country should be allowed to obtain bread from every part of the world. He believed that the present state of the agricultural interest of this country illustrated the line of the poet, and that—

> "Its strength was weakened by its very limping."

It had to come so often to Parliament for help that it did not know its own power. He would say to them—"Take off your bandages, and form a just estimate of your own strength." He rejoiced that two hon. Members on the Ministerial Benches — the hon. and gallant Member for Westminster (Captain Rous) and the hon. Member for Hull (Sir W. James) — had spoken in favour of this question. He was glad to see this, and to see that parties were breaking down, and that, instead of hon. Members being led by one man on this side of the House, or by one man on that side of the House, they were anxious to judge of each measure by its own merits. He did not wish to overrate the importance of the present Motion; but he should vote for it, because it proposed a measure in the right direction, and he was ever ready to accept everything that would tend in any degree to benefit the people.

Mr. *A. S. O'Brien* commenced by observing, that it was not a little extraordinary the hon. Gentleman should not have adhered to his own maxim of arguing the question on its own merits. Instead of sticking to the immediate argument, the hon. Gentleman had gone back several years, and introduced almost every item whereon they (the agricultural party) had happened to differ from him. The hon. Member, in endeavouring to prove how often the agricultural mind had deluded itself with unfounded alarms, had referred to the importation of cutch from India, which the hon. Member declared had frightened the agricultural mind into the idea that it would lower the price of their bark. Now he was reminded by this that the agricultural mind was not the only one that had at times been affected with such fears. The cotton mind had been harassed with unfounded fears. The cotton trade sent up a deputation to Government expresing apprehensions of the injury they would sustain by the importation of cotton from India. Their apprehensions were not attended to; their remonstrances met with resistance; all restrictions were removed, and no evil consequences had followed. It did not follow from this that the removal of restrictions would in no instance be attended by evil; but they might read a lesson in the circumstance teaching them to view the bearings of great measures, not in reference to theories, or hard and cruel dogmas, but to view them in reference to the various practical circumstances that must guide all who wished to be sound statesmen. He, in reply to some of the taunts thrown out against the right hon. Baronet at the head of the Government, must say he considered that the right hon. Gentleman was not at all pledged, either by the Canada Corn Bill or any of his measures, to resist, or not to propose, any subsequent modification in them. He had ever protested against immediate and unconditional free trade; but it was not, he believed, the first or second time he had stated that if called on to pledge himself against any future modification whatever of these acts, he would, by compliance with such a call, be departing from justice and common sense as widely, but not more so, than if, without reference to the complex state of society, he had declared that the law should be immediately repealed. Now,

in reference to the question immediately before them, the hon. and gallant Member for Westminster had referred to a letter which the hon. and gallant Member said came from an experienced merchant in Australia, in which the writer stated that not more than 20,000 quarters of wheat could be annually exported from the country; but Governor Grey's despatch stated in opposition to this, that from one quarter alone of that great continent more than five times twenty thousand quarters could annually, without difficulty, be brought into the English market. It was no wonder, therefore, that farmers should experience much doubt or difficulty as to the practical operations of the measure. The new Corn Law and the Canada Corn Law had not yet been fairly tested by practical experience; and while he certainly had not understood his right hon. Friend the Vice President of the Board of Trade to bind himself against all future modification, he believed the whole country would appreciate the wisdom of Government for refusing to support the Motion of the hon. Member for Gateshead. As a specimen of some of the opinions held by the people of Australia, he might here refer to an extract from the *Colonial Observer* of June last. The import of the extract was that New South Wales was essentially a pastoral country—that they said nothing about measures affecting the grain trade; but that to touch or to tamper with their wool-growing interests was, indeed, to smite them under the fifth rib. When he saw it thus stated in the public press that this measure would be no boon to them—when it was stated by the hon. and gallant Member for Westminster that not more than twenty thousand quarters would be imported—and when they knew besides that from recent agricultural changes the agricultural mind of this country was in a very unsettled state—he did not conceive that the Australians would consider that this country had acted unfairly or unjustly towards them if they refused at the present moment to accede to the proposition of the hon. Member for Gateshead. He hoped that that hon. Member would explain to the House, not why he had excluded Nova Scotia from his proposition, but why, having moved for papers on this subject in connexion with India, he had not included that country in his Motion as well as Australia. If they were to enter into the question at all, let them enter into it as a whole. The right hon. Member for Portsmouth said this was a measure of justice. Well, but he often found that this piecemeal method of doing justice led to substantial injustice. It might have been wise and prudent in them to take up the question of the Colonies before they took up the question of the Corn Laws; but it was now too late to do so; and however Australia might value the support of those who supported the Corn Laws, he did not think they would thank those who were Corn Law repealers; for it was clear that, in the event of the Corn Laws being repealed, the Australian Colonies, with a freight of 20*s.* upon the importation of their corn, could not compete with the corn-growing countries of Europe. He thought the right hon. Member for Stamford had acted wisely in the course he had pursued on this occasion; and while he did not think they ought to pledge themselves to refuse inquiry into the agriculture and the agricultural commerce of the Colonies hereafter, he would, on the present occasion, support the Government in opposition to the hon. Gentleman.

Mr. *Ward* referred to the immense admissions made on the other side in the course of this debate, especially by the hon. Member for the West Riding of Yorkshire (Mr. S. Wortley), who had said that it would have been much better for the country had the Corn Laws never been enacted. On this point alone he had been clear; and on others his views were so obscure and clouded, that it was not wonderful that the hon. Member for Durham (Mr. Bright), in endeavouring to follow him, had wandered from the immediate question into the general subject of the Corn Laws. The hon. Member for Northampton (Mr. S. O'Brien) had stated that the cotton mind had been once needlessly alarmed. This was true; but its alarm had produced no effect. The cotton mind did not assemble its forces in the rear of the Minister of the day, consequently it had not been listened to, and it was left to get over its fears as well as it could. The hon. Member had also said that he would not pledge himself to an eternal refusal of justice; he was satisfied with a refusal of justice at the present moment; and year after year, when the justice of any claim was made as apparent as now, he would have an opportunity of assuring the House that he was not for eternal injustice, but thought that the time for a remedy had not yet arrived. It seemed, according to that hon. Member,

that the agricultural mind was at present in an unsettled condition—in a state of doubt and flutteration; and for this reason he would not yet listen to the claims of Australia. Would he listen to them next year? Another point he had urged was, that the question was too narrow; that it embraced only one Colony; that the Motion asked too little. This might be called a Peebles-shire sort of argument. The boon required ought not to have been confined to one Colony; it was too insignificant a matter; it was not like a huge grant of 26,000*l.* in one sum, or the Peebles-shire mode of arguing might have been got rid of altogether. The hon. Member for the West Riding of Yorkshire had talked about noxious and injurious supplies of corn: while the population was rapidly augmenting every day it did not seem exactly the fittest time to speak of importations of corn as noxious and injurious. He (Mr. H. G. Ward) recollected the time when the opposite side of the House was eternally lauding ships, colonies, and commerce. Colonies were then to be admitted to a large share of the protection enjoyed by some interests at home; but now it appeared as if only those Colonies were to be favoured which grew nothing that could be brought into competition. Coffee, cotton, or sugar, might be admitted; but the moment they produced corn for export their produce was to be strictly excluded. Seeing the present temper of the other side of the House, he could not but wonder how the Canadian Corn Bill had been permitted to slip through Parliament. He was happy to be able to tell hon. Members that the predictions he had made were likely to be completely fulfilled; for preparations were making for an extensive trade in corn from the United States through Canada. Such was the prospect, and hon. Members sitting behind the Prime Minister did not dare to ask him to repeal the Act, however noxious and injurious, as well as abundant, might be the importations under it. It was all very well for some of them to talk of such a thing to their constituents two or three hundred miles off, but they could not talk of it in the House of Commons. It had been proposed and passed by the Government of the right hon. Baronet, because the Canadians made it very intelligible that their contiguity to the United States might render it expedient to conciliate; and what an example did this course set to Australia? Sooner or later, what was now asked must be conceded; not this year, perhaps, as the hon. Member for Northampton had said, but whether it took two or three years to force the claims of justice on the House, they must in time be heard, and the hon. Member for Gateshead, by persevering in his Motion, would at length shame his opponents into compliance. The time had not yet arrived, but it would unquestionably arrive, and then the right hon. Baronet, according to his wont, would step forward and say—"It is no longer possible to resist these demands founded upon such plain and obvious truths, and the agricultural mind, like the cotton mind, must be prepared to abandon its foolish apprehensions; party or class interests cannot now be regarded, and we must consult the benefit of the great body of the Queen's subjects, by granting what is required by Australia." The right hon. Baronet would not use such language to-night: he did not look as if he would; but he must use it ere long. He might balance for a year or two longer between right and wrong; but the hon. Member for Gateshead might feel assured that his Motion was virtually carried.

Sir *R. Peel* said: Sir, I cannot think the hon. Member who has just sat down has taken a course very likely to induce hon. Members on this side, who might be wavering in their views on this question, to give their votes in favour of the present proposition. Other hon. Members who have preceded him on that side have said that the apprehensions respecting the introduction of Canadian corn were groundless. The hon. Member expects the free importation of American corn through Canada, without payment of duty. Other Gentlemen who preceded him have assuaged the alarm felt on this side, and have invited their support at the present moment on the ground that their apprehensions with respect to Canadian corn are entirely unfounded. The hon. Member, addressing himself to this side of the House, expresses his satisfaction that his anticipations will be entirely realised, and that an immense importation will take place into this country, not of Canadian corn, but of American corn smuggled into Canada, and avoiding the duty. [Mr. *Ward:* I did not say smuggled.] The hon. Member seemed to think that all precautionary regulations would be vain to

prevent the introduction of American corn. [Mr. *Ward:* I said that with their growing trade the corn would come in in spite of you.] I believe the hon. Member's anticipations are in reality unfounded, and that the statements of those who have previously told the House that there is no great need for alarm on account of the importation of wheat or flour from Canada, are much more likely to correspond with the fact. Sir, it is certainly my intention to give my vote in opposition to the proposal of the hon. Member for Gateshead. There are two other propositions which are to be made in the course of the present Session on the subject of the Corn Laws: there is the proposal for their total repeal, and there is also the proposal, which is to be discussed in the course of about a fortnight, on the Motion of the noble Lord the Member for the city of London, to this effect:—

"That the present corn law tends to check improvement in agriculture, produces uncertainty in all farming speculations, and holds out to the owners and occupiers of lands prospects of special advantage which it fails to secure; that this House will take the said laws into consideration, with a view to such cautious and deliberate arrangements as may be most beneficial to all classes of Her Majesty's subjects."

We are, therefore, to have a discussion on the absolute repeal of the law, and we are also to have a discussion on the policy of making an alteration in the existing law, "coupled with those cautious and deliberate arrangements which may be most beneficial to all classes of Her Majesty's subjects." These two proposals are to be submitted to the consideration of the House; and not satisfied with the prospect of the very extensive question to be raised by the hon. Member for Wolverhampton, and by the more limited and cautious proposal of the noble Lord the Member for the city of London, here is another proposal brought forward by the hon. Member for Gateshead, the effect of which is to admit the produce of one part of our Colonial Empire, and one part only, to privileges which another part of our Colonial Empire—namely, Canada, possesses. When in the year 1842, as the organ of the Government, I brought forward the question of the Corn Laws, an arrangement applicable to the introduction of all corn, whether Foreign or Colonial, was made by that law, which received the sanction of the House. Under that law, when wheat in this country was below a certain price, the maximum duty on Foreign corn was to be 20*s.* At the same time an arrangement was made which was thought beneficial to the Colonies as compared with the law previously existing, which imposed an amount of duty upon the importation of corn the produce of our Colonies the minimum of which was 1*s.*, and the maximum 5*s.* Under the existing law when corn bears higher price than 58*s.*, then in that case, Colonial corn, from whatever Colony it comes, might be brought in subject to a duty of 1*s.* The maximum of the duty on Colonial corn was 5*s.*, as compared with 20*s.* upon Foreign corn, which was the maximum. Sir, I recollect that when that proposal was made on the part of Her Majesty's Government, it was objected to by many hon. Gentlemen on the other side of the House as imposing a discriminating duty far too favourable to the Colonies. Many hon. Gentlemen stated, that they thought a higher duty should be imposed on Colonial as compared with Foreign. But many of those hon. Gentlemen who opposed the discriminating duty of 1842, who thought it would foster the Colonial at the expense of the Foreign trade, are now, however, prepared to support the proposition of the hon. Gentleman. They are prepared to incur the inconvenience of fostering these Colonial interests as compared with the Foreign, on the intelligible ground that considerations of justice should overbear considerations of policy, and that as they had given a certain boon to one Colony—namely, Canada, they ought now to give it to the others. Sir, as I view the proposition of the hon. Gentleman, I think that, notwithstanding the consideration he has given to the subject, perhaps to the exclusion of others, he has greatly exaggerated the advantages which it will confer upon the Colonies and upon the agricultural interest of this country. The hon. Gentleman says, that if you permit Australian corn to be brought in at a duty of 5*s.* when corn is at 58*s.*, and at 1*s.* when corn is above that price, that the agricultural interest will derive indirectly a great benefit from the facilities of emigration, and thus getting rid of the surplus population, and that in consequence of the increased import of corn, there will be an additional amount of prosperity to the Australian Colonies as regards their

agriculture. I think that by dwelling too much upon this point, he has overrated the importance of the measure both to this country and Australia. But it is said, that as Canada is in possession of this boon, even at the expense of some inconvenience, incurring, as we did, the censure of hon. Gentlemen opposite, who have a great objection to discriminating duties, considerations of justice must now induce us to grant the same benefit to Australia. It is said that the Canada Corn Bill was proposed upon that ground, and as Canada is in possession of that privilege, we are bound by every principle of justice to extend it to Australia and our other Colonies. Sir, I wish to consider the question of whether or no considerations of justice do compel us to extend to Australia the same privilege as has been conferred on Canada. Sir, I beg to call the attention of the House to the position in which Canada was placed when this Corn Bill was introduced; I mean the commercial position, and the privileges to which Canada was entitled under the then existing law. At that time no duty was imposed in Canada upon wheat or flour imported into Canada from the United States, and at that time no duty was imposed in Canada on any wheat or flour imported from any part of the world, and Canada was at that time entitled to import flour into this country at a low Colonial rate of duty. Wheat, therefore, might before the Corn Law of 1842, be imported into Canada from the United States free of duty—might there be subjected to a manufacturing process, and then the flour produced from that American wheat might be brought into this country, not at the American but at the Canadian duty. Sir, this was stated very strongly by the people of Canada in a memorial presented to this House at the time of the discussion on the Canada Corn Bill. The petition of the President of the Quebec Board of Trade stated, that hitherto foreign wheat and flour had been permitted to be imported into that Colony free of duty—that by far the greater part of that corn had been again, after being converted into flour, exported to other countries. There was thus a distinct admission that the United States was likely to send in corn at a low rate of duty; for the greater part of that flour was the produce of American wheat, brought into Canada, and paying no duty whatever. The petitioners then stated, that the transport of such wheat and flour afforded the means of employment to many thousands of the population over their lakes and rivers to the extent of 3,000 miles; and that it gave employment to a large number of vessels in the intercolonial trade, the whole of such vessels being worked and manned by Her Majesty's subjects. The petitioners expressed alarm lest the trade might be interfered with in consequence of the proposed alteration in the law. They asked, at the same time, that their produce might be admitted at a nominal rate of duty. Now, Sir, what was the answer given by my noble Friend the Secretary for the Colonies? A law was passed in 1842, applying to Canada as well as to all the other Colonial possessions of the country. My noble Friend said—

> "I cannot consent to admit the produce of Canada at a low nominal duty into this country; but if you, for the first time, will impose a duty upon American wheat brought into Canada, I then will propose as part of the general arrangement of the Corn Laws, that Canadian Corn produce shall be admitted here at a duty of 1*s.* per quarter."

Therefore, in the position of Canada, it was peculiar, and the arrangement made with that Colony was one which rested not on the political state of the Colony, but its particular position with respect to the trade it was carrying on. Sir, I must say, that no engagement made by this Government with Canada should stand in the way of substantial justice; but the engagements then entered into with it were in respect to the trade it was then carrying on in corn. Canada accepted the terms; and at the time the Bill was introduced passed a law imposing, for the first time, a duty of 3*s.* on American wheat, giving up the advantage it had previously enjoyed of bringing it in duty free; and it was then that the privilege was given to that Colony to import corn at a low rate of duty. Sir, we did not then extend it to the other North American Colonies. The question was put to us whether we would not extend it to Nova Scotia, New Brunswick, and Prince Edward's Island?—all of them being exporting Colonies. The answer then given was, that there was no such engagement respecting those Colonies, and that there was no intention to extend to them the same privileges. Sir, the hon. Gentleman now says, "As you have

conceded these privileges to Canada, I call on you to give the same advantages to Australia." He calls on us to place Australia on the same footing. But, Sir, that is not the object of his Motion. His proposition is to admit Australian corn duty free. If Canadian corn be admitted duty free, without any tax being levied on American corn brought into Canada, then I am ready to admit that the position of Canada and Australia are identical. But that is not the case. When the hon. Gentleman proposes that Australian corn should be brought in here at a duty of 1*s.*, he does not propose that there should be any corresponding obligation on that Colony to levy a duty on the foreign corn brought into it. Sir, I contend that the position of the two Colonies is substantially different. As my hon. Friend has said, if you permit Australian corn to be brought into this country duty free without imposing upon it the necessity of levying a duty upon Chilian corn, or corn the produce of any other Foreign possession brought into Australia, Canada will have a right to ask that Canadian corn be admitted duty free without continuing that duty on American corn which she imposed for the first time in 1842. Sir, in the last year the hon. Gentleman proposed that corn, the produce of the Indian Empire and the Cape of Good Hope, should have the same privileges conceded to it as was now sought for Australia. We then were not prepared to say, that it was wise or expedient to disturb the arrangement of 1842, or make it more extensive in its operation; but if I am compelled to entertain the question, I should say that I should rather consider the condition of the Colonies generally, than give to one the privileges, which under peculiar circumstances have been given to Canada. Sir, I think it better, once for all, if I have no other alternative, to decide the question as regards the whole of our Colonial possessions. I am not inviting the hon. Gentleman to make the proposal, but I think it is preferable to the one he is making now. I will venture to say that after the Motion of the hon. Gentleman shall have been carried, it will be impossible to rest there. That is your object. ["Hear."] You admit that? Your object, then, is not to do justice to a single Colony, but to bring in a measure which will involve the necessity of constant alterations in the Corn Law. Sir, an attempt has been made to gain support by saying that the measure is small and limited in its operation; but in the same breath it is said that the whole of the Colonies are entitled to have their claims taken into consideration. If that be so, we are entitled to know the full extent of the measure. The hon. Gentleman says other Colonies have not asked for this boon; but I say they have. If you pass this measure, how can you resist the demands of India? Why should we not include India? India has asked for the same privilege, and stands in the same position as Australia. So soon as this Bill shall have received the Royal Assent, then the hon. Gentleman will come forward, either this Session or next, claiming for India precisely the same concessions. The hon. Gentleman says he did not say that. [Mr. *Hutt:* I distinctly stated that I meant to try the whole question.] Surely, then, if the hon. Gentleman means to try the whole question, he will admit to me that instead of passing this Bill for Australia, and endeavouring to get the consent of the House by telling them that it is a small and limited measure, and that the agriculturists need not be under any alarm—that their apprehensions are without foundation—that his course is not very intelligible. When he says, that he intends to try the whole question, and having passed this measure, that he intends to ask the House to pass others, I cannot understand why he limits the proposition to the Colony of Australia. Sir, the East India Company have preferred the same claim; and why should we not apply the same principle to the one as to the other? Is the hon. Gentleman prepared to fix a duty of 3*s.* upon all corn imported into British India? With respect to the Colonies of North America, I am not at all clear that it would be to their advantage that that duty should be applied to the corn imported into them, in order to place them on the same footing as Canada. Two successive measures for the alteration of the Corn Laws have been introduced. The right hon. Gentleman the Member for Taunton has admitted, that unless there are some strong and cogent reasons for altering laws of this nature, it is unwise to create apprehension in the public mind by such alteration. I believe that apprehension would be excited, not only by this proposal, but by the distinct declaration that it is meant to be the precursor of several other propo-

sals of a similar nature. Looking, then, at the advantages to be gained by this Bill, and at the consequences of the alteration of the Bill of 1842—comparing the practical advantage to be gained, with the inconvenience and embarrassment which may arise, either from the total admission of Colonial corn at once, or from the admission of a precedent which is to lead to other alterations, my belief is, that the evil outweighs and more than counterbalances the good. If I felt that it was a claim of justice to Australia, that claim ought, of course, to outweigh all other considerations. But I do not consider the case of Australia identical with that of Canada; I think that the circumstances of the two Colonies are different; and, not admitting the claim of justice, I am not willing, on considerations of policy and expediency, for so limited an amount of good, to disturb the arrangement which was made in 1842 with regard to corn, and for these reasons I shall give my vote against the Motion.

Viscount *Howick* said: I wish to ask the House whether there is any hon. Member who has listened to the speech of the right hon. Gentleman who has just sat down, and has not felt for him the sincerest compassion, under the severe and painful task which has been put upon him this night? I own that, in my experience in this House, I have never heard a speech made by a Gentleman standing in his high position, which did so fill me with shame as that of the right hon. Gentleman. Now, what are the grounds upon which this Motion has been resisted? Can you have listened to that speech, knowing the right hon. Baronet's ability—with what power he can bring before this House every argument, and everything which has the semblance of an argument, which bears upon the case that he has in hand—can you have listened, I say, to that speech, and entertain a doubt as to the real justice of the case? I will endeavour, very humbly, to follow the right hon. Baronet in his remarks upon this question. How did he begin? Why, by endeavouring to get up a laugh at the terms of a Resolution which is not before us, but which is to be proposed by my noble Friend the Member for the city of London. He says, that we are going to discuss the general principle of the Corn Laws. I hope that we shall continue to discuss the general question of the Corn Laws. But we all know perfectly well how any division upon that subject will terminate; we know that, during this Parliament at least, the right hon. Baronet will succeed in maintaining the existing Corn Laws, and, knowing that, we say, "Upon your own principles, upon your own admissions, while you maintain the policy of the Corn Laws, we ask, can you, upon grounds of plain justice or common sense, refuse to accede to the Motion of the hon. Member for Gateshead? That Motion is altogether independent of the general question of the Corn Laws; and if we agreed with you upon that question as much as we differ from you, we should not the less ask you to support it." What next said the right hon. Gentleman? He said, "The cases of Australia and Canada are not analogous, they are not precisely the same;" and he endeavoured to show the distinction between them. Now, perhaps, I may be disposed to admit that the cases of Australia and Canada are not in every respect precisely similar. But what I want the House to consider is, how far the arguments which have been advanced by Her Majesty's Government, as grounds for making this concession to Canada, are applicable also to Australia. Do you remember that when we were asked to make this concession to Canada, we were told that the policy adopted was that of treating our Colonies as an integral part of the Empire? The right hon. Baronet says, "You cannot compare the two cases, because Canada, as the price of this concession, imposed a duty of 3*s.* upon American corn." Now, what were the circumstances under which that duty was imposed? The noble Lord the Secretary for the Colonies, who brought forward this question, told us very plainly what were the grounds upon which Canada was called upon to impose this duty on American corn. He said,—

"We are perfectly willing to grant to Canada, as a Colony and an integral part of the British Empire, the benefit of bringing in her corn, but we do not intend this boon to be applied to American corn; we wish to have a security that that corn, under the name of Colonial, shall not be introduced as if it were British grown corn. With that view we required a duty of 3*s.* to be imposed on American corn."

Now, my chief objection to the Canadian measure was, that I thought that the damage you were doing to Canada by subjecting it to this injurious system of Corn Laws, and by introducing there the policy of agricultural protection, was more than equivalent to any advantages which could

be derived from this measure. It was on that ground, and on that ground alone, that I opposed the measure. It was merely with a view of preventing foreign corn from coming in under the name of Colonial that this condition was imposed. But I ask you whether in the case of Australia any such condition is necessary? Australia, from her position, cannot, by any possibility, receive foreign corn without an excess of freight which would more than counterbalance the advantage. The only quarter from which Australia has ever received any considerable quantity of foreign corn is the Republic of Chili. But it comes from Chili against prevailing winds; the voyage is very long and expensive; and even for the consumption of Australia itself, except in times of great dearth and scarcity, occasioned by those periodical seasons of drought to which it is liable, corn is never imported into that Colony. To suppose that Chilian corn would go to Australia on its road to England, knowing, as we do, that the ordinary route home from Australia is by Cape Horn, on account of the winds—to suppose that it would cross the whole Pacific Ocean twice, is really to indulge a supposition which even the agricultural mind could not entertain. Well, then, you have with respect to Australia a complete security that foreign corn will not come in under the name of Colonial. With respect to Canada, you have only an imperfect security. You are, after all, liable to the evasion of the duty by smuggling; and I have no doubt that a considerable portion of American corn will come in under the form of Canadian flour without having paid the duty. Every argument that could be urged in favour of the admission of Canadian corn, applies with redoubled force to the admission of Australian corn. The right hon. Gentleman next came to the argument that the measure was not large enough, which had been so well described as the Peeblesshire argument. Now, I wish to know upon which of these alternatives does the right hon. Gentleman take his stand? Does he resist the Motion because so much corn will come in that it affords a just subject of alarm to his agricultural friends? If that is the ground on which he objects to it, it follows that it would be of great advantage to the Colonies. Or, on the other hand, does the right hon. Gentleman refuse it because it is so small a boon that it is immaterial to the Colonies? If he does, then I want to know what becomes of the apprehensions of his agricultural friends? In point of fact what is altogether a small and trifling quantity compared with the whole consumption of this country and the effect produced on the market, is not trifling when considered with reference to the Colonies. The importance to them of sending to this country a comparatively small quantity of corn is very great, as it enables them to send home vessels on freight which must otherwise come in ballast. In particular cases it must be of the utmost benefit to the Australian Colonists. But then, last of all, the right hon. Gentleman came to what is more strictly the Peeblesshire argument. He says, "This proposal is intended to apply to all the Colonies; and as last year you brought it forward in a more general shape, why do you restrict it this year?" I will tell him why I think my hon. Friend has acted wisely in restricting his Motion to one particular Colony at a time. Last year it was argued with some effect in this House, that the Bill might be carried much further than was intended; that in the case of India, for instance, the dominions of the nativeStates were so intermixed with our own, that it would be impossible to prevent the corn of those States from coming in with the rest. There are various grounds applicable to different Colonies, which might in this manner be brought forward. Therefore, my hon. Friend has acted wisely, I think, by pursuing the course he has adopted. He says, "I bring you one crying case of injustice; I call upon you to remedy that injustice; I do not disguise from you that you will have to go further, and I am prepared to go further now if you wish it, but at all events this is a crying and obvious case of injustice; remedy this, and we will then consider the others." Surely that is a very fair way of dealing with the question. If the right hon. Gentleman is not satisfied with that, let him only consent to go into Committee, and let him move as an amendment upon the word "Australia," "British Possessions;" and I am quite sure that he will receive no opposition from the hon. Member for Gateshead. Having laid down the principle that corn grown in a British Colony ought to be introduced into this country at a nominal duty, in common justice and fairness you ought to apply it to the other Colonies. But, Sir, the real truth is—and I believe there is no man who hears me who is not sensible of that fact in his heart—the real truth is, that the cause of the difference is

that which has been alluded to by my right hon. Friend the Member for Portsmouth. With respect to Canada, you thought it desirable to endeavour to purchase her regard and her good will. It was the same miserable policy which the right hon. Gentleman has, in my opinion, acted upon elsewhere, to refuse that to a sense of justice which he will grant to intimidation and fear. It was that policy which was so justly and so emphatically denounced by my right hon. Friend the Member for Edinburgh, in a recent debate. Sir, has not the right hon. Gentleman done mischief enough by acting upon this policy elsewhere? Has he not, nearer home, done mischief enough by teaching that fatal lesson—that concession is to be expected from the British Parliament, at least from the British Parliament when led by the right hon. Baronet, not when it is called for by a sense of justice and of fairness, but when it is extorted by apprehension, and by symptoms that injustice will not be any longer tolerated? By adopting this miserable policy, you destroy all the grace of concession when it comes. You render concession not advantageous but mischievous. You ensure further and continued demands. On the other hand, if you act fairly and openly, upon your own sense of justice, giving freely and largely to those who are not in a situation to excite your fears whatever you think they are justly entitled to, and refusing to those who ask in a more menacing tone that to which you think they are not justly entitled—if you prove by your conduct that this is the policy upon which you act, I believe you will not have to dread extravagant demands for the future. Sir, I do hope that this House will be careful how it teaches all our Colonies this most fatal lesson; because, after the speech of the right hon. Gentleman, I think that this question has a general bearing upon our Colonies beyond that which it has upon the immediate matter in hand. I maintain that, by refusing this concession to Australia, you are teaching Canada that it has nothing to be grateful for. You teach it that what you have done has not been from a sense of justice, or for the common advantage of the Empire; but that it was a bribe for acquiescing in the continuance of your Government. It is like the money given by the Roman Empire in its decline to the barbarians who were threatening at the gates—it is sure to purchase only further demands. On the other hand, if you now act to Australia, from which you have nothing to fear, as you have acted towards Canada, you are showing to your Colonies generally that you are acting on the principle of a large and liberal policy, and a desire to promote their welfare as integral portions of the British Empire. Sir, I hope the agricultural interest will be cautious how they support the right hon. Baronet on this occasion. We all know how easily he can call on them, after a certain time, to make very great and unexpected changes in their course. I therefore call on them to act in time, and of their own accord, in a spirit of liberality towards the Colonies, when they reflect upon the great difficulties interposed by distance and other disadvantages to the introduction of corn from Australia, and when they reflect also how much a perseverance in the course now pursued by the right hon. Baronet, as regards this question, is calculated to lower the character of a great party. I shall cordially support the Motion of my hon. Friend.

Mr. *Newdegate* acknowledged that he felt deeply impressed with the recommendation of the noble Lord to Her Majesty's Government, that they should not grant to turbulence what they refused to peaceable and orderly conduct. He hoped the suggestion would come home to the right hon. Baronet. But, at the same time, he considered that the right hon. Baronet had exhibited on this occasion great regard to the feelings of those who had long and constitutionally supported his Government and the country in the hours of trial, like the year 1842, when, among other classes, the same feelings did not predominate. He wished, however, to call the serious attention of the right hon. Baronet to the large preparations that were being made for the importation of flour from Canada to this country—for the importation of a much larger quantity than Canada could possibly produce, and which must therefore come through that Colony from the United States.

Mr. *Hutt*: I cannot say that I am astonished at the rejection of my Motion by the Government. I partly expected that they would adhere with fatal consistency to the error of last Session, and oppose me in the matter. The right hon. Gentleman (Sir R. Peel) says that I have allowed my mind to be so much taken up with this subject, that I have overrated its importance. With all humility, I will admit

that that part of his sarcasm is just. I have paid very great attention to this subject; I have no shame in admitting the charge; and the result of my attention has been a strong conviction, that the people of Australia will regard the present conduct of the Government as an act of gross and gratuitous injustice, and that it will not fail to produce the disasters which, sooner or later, injustice always engenders. I shall not attempt to follow the remarks of all the speakers against my Motion; but I must be permitted to observe that the hon. Gentleman the Member for Sussex (Mr. Darby) who has enlightened the House with the outpourings of his great parochial mind on this question, has made a speech more like one of the "curtain lectures" of the illustrious Mrs. Caudle, than anything which it is desirable to hear in the House of Commons. Even the language of the Members of the Government has been little calculated to console disappointment in Australia, or to raise the credit of this Assembly anywhere. The Vice-President of the Board of Trade (Sir G. Clerk) says that I have exaggerated the value of the measure to the Australian Colonies; and the right hon. Baronet (Sir R. Peel) echoes the same opinion. Admit that I have—but have your own Governors exaggerated its value? Are they enthusiasts? I do not ask the House to take anything on my authority; but I do ask the House, before deciding against me, to weigh carefully the statements contained in the public despatches of Governor Grey and Sir Eardley Wilmot. My language, I am sure, has been tame and feeble in comparison with theirs. Look, too, at the petitions which I have laid on the Table from the Colonists. The people of Australia allege that a free corn trade is of the utmost importance to their interests; —the right hon. Baronet says it is of none. I am not going to dispute the general information of the right hon. Baronet; but I presume the people of Australia are as competent judges of their own affairs in this respect, as the right hon. Baronet, and that they have less inducement to misrepresent them. You say that you oppose my Motion, because very little corn could be brought to this country from Australia; but if I could prove to you that a great deal of such corn would be brought here, would you support it? Answer that question. At all events, don't let both arguments tell against me. Then I am told, from various parts of the House, that Lord Stanley made a bargain—entered into a special compact with the people of Canada, by virtue of which, the produce of their soil only was to be freely imported here. I do not understand this. I want to know by what title the Colonial Minister of this country presumes to bargain and huckster in matters of justice and good government—by what charter Lord Stanley is allowed to measure out, according to his pleasure, beneficial legislation to our Colonies. The possession of equal laws was in ancient days a synonyme of political liberty;—it is a good definition of it now. And there is no legislative good which your policy can contrive for Canada, which is not the indefeasible right of every portion of the British Empire. I have little more to add. I shall now proceed to a division in which I am sure to be defeated. But do not think that the question will be here disposed of. The right hon. Baronet may probably observe, by and by, a "cloud" rising in the southern horizon. Do not complain if it be so. You have taught the people of Australia how to ensure attention to their demands; you may some day reap the harvest of your art. For my part, I shall not be driven from my undertaking by your triumph. I know that the triumphs of injustice are but for a day. The Government, and all who incur the responsibility of rejecting this moderate and equitable proposal, may have occasion ere long to review their decisions in the late and bitter hour of unavailing repentance.

The House divided:—Ayes 93; Noes 147: Majority 54.

List of the AYES.

Aglionby, H. A.	Collett, J.
Ainsworth, P.	Craig, W. G.
Aldam, W.	Dalmeny, Lord
Archbold, R.	Dalrymple, Capt.
Baine, W.	Dashwood, G. H.
Bannerman, A.	Dennistoun, J.
Barclay, D.	Divett, E.
Baring, rt. hon. F. T.	Duncan, G.
Barnard, E. G.	Duncombe, T.
Berkeley, hon. Capt.	Dundas, Adm.
Berkeley, hon. H. F.	Ebrington, Visct.
Bernal, R.	Ellis, W.
Bouverie, hon. E. P.	Escott, B.
Bright, J.	Etwall, R.
Brocklehurst, J.	Evans, W.
Brotherton, J.	Ewart, W.
Buller, C.	Forster, M.
Busfeild, W.	Gibson, T. M.
Cavendish, hon. C. C.	Granger, T. C.
Cavendish, hon. G. H.	Grey, rt. hon. Sir G.
Chapman, B.	Grosvenor, Lord R.

Guest, Sir J.
Hanmer, Sir J.
Hawes, B.
Hill, Lord M.
Howick, Visct.
Humphery, Ald.
James, W.
Jervis, J.
Labouchere, rt. hn.H.
Lambton, H.
Langston, J. H.
Lascelles, hon. W. S.
Leveson, Lord
Liddell, hon. H. T.
Mangles, R. D.
Marjoribanks, S.
Martin, J.
Martin, T. B.
Maule, right hon. F.
Mitchell, T. A.
Morris, D.
Morison, Gen.
Muntz, G. F.
Murray, A.
O'Connell, M. J.
Osborne, R.
Paget, Col.
Parker, J.
Pechell, Capt.
Pollington, Visct.
Pulsford, R.
Redington, T. N.
Ricardo, J. L.
Rice, E. R.
Ross, D. R.
Rous, hon. Capt.
Scott, R.
Smith, B.
Smith, J. A.
Stansfield, W. R. C.
Stanton, W. H.
Tancred, H. W.
Tufnell, H.
Vivian, J. H.
Wakley, T.
Warburton, H.
Ward, H. G.
Wilshere, W.
Wood, C.
Wrightson, W. B.
Yorke, H. R.

TELLERS.

Hutt, W.
James, Sir W.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
Adderley, C. B.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Arkwright, G.
Austen, Col.
Bagge, W.
Bailey, J.
Baillie, H. J.
Baird, W.
Bateson, T.
Beckett, W.
Bell, M.
Blackburne, J. I.
Boldero, Capt. H. G.
Bowles, Adm.
Bramston, T. W.
Broadley, H.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Cardwell, E.
Carew, W. H. P.
Charteris, hon. F.
Chetwode, Sir J.
Christopher, R. A.
Chute, W. L. W.
Clayton, R. R.
Clerk, rt. hon. Sir G.
Clifton, J. T.
Clive, hon. R. H.
Colville, C. R.
Coote, Sir C. H.
Copeland, Ald.
Corry, right hon. H.
Courtenay, Lord
Cripps, W.
Damer, hon. Col.
Darby, G.
Davies, D. A. S.
Deedes, W.
Dawnay, hon. W. H.
Denison, E. B.
Douglas, Sir C. E.
Du Pre, C. G.
East, J. B.
Eastnor, Visct.
Eaton, Capt. R. J.
Egerton, W. T.
Egerton, Sir P.
Emlyn, Visct.
Fellowes, E.
Fitzmaurice, hon. W.
Fitzroy, hon. H.
Flower, Sir J.
Forbes, W.
Forman, T. S.
Fremantle, rt.hn.SirT.
Fuller, A. E.
Gardner, J. D.
Gaskell, J. Milnes
Glynne, Sir S. R.
Godson, R.
Gordon, hon. Capt.
Gore, M.
Gore, W. R. O.
Goulburn, rt. hon. H.
Graham, rt hn. Sir J.
Greenall, P.
Greene, T.
Grimston, Visct.
Hale, R. B.
Hamilton, J. H.
Harcourt, G. G.
Harris, hon. Capt.
Hayes, Sir E.
Heathcote, G. J.
Heneage, E.
Heneage, G. H. W.
Henley, J. W.
Herbert, rt. hon. S.
Hope, hon. C.
Hope, G. W.
Hornby, J.
Hotham, Lord
Ingestre, Visct.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, H.
Jolliffe, Sir W. G. H.
Jones, Capt.
Lawson, A.
Lennox, Lord A.
Lincoln, Earl of
Lowther, hon. Col.
Lygon, hon. Gen.
M'Geachy, F. A.
McNeill, D.
Manners, Lord C. S.
March, Earl of
Masterman, J.
Meynell, Capt.
Mordaunt, Sir J.
Newdegate, C. N.
Nicholl, rt. hon. J.
Norreys, Lord
O'Brien, A. S.
Packe, C. W.
Palmer, R.
Peel, rt. hon. Sir R.
Peel, J.
Plumptre, J. P.
Praed, W. T.
Pusey, P.
Rendlesham, Lord
Repton, G. W. J.
Rolleston, Col.
Round, J.
Round, C. J.
Rushbrooke, Col.
Sanderson, R.
Smith, A.
Smith, rt. hon. T. B.C.
Somerset, Lord G.
Sotheron, T. H. S.
Spry, Sir S. T.
Stanley, E.
Sturt, H. C.
Sutton, hon. H. M.
Tennent, J. E.
Thesiger, Sir F.
Thornhill, G.
Tower, C.
Trollope, Sir J.
Trotter, J.
Turnor, C.
Tyrrell, Sir J. T.
Villiers, Visct.
Vivian, J. E.
Vyvyan, Sir R. R.
Wood, Col. T.
Wortley, hon. J. S.
Wortley, hon. J. S.
Yorke, hon. E. T.

TELLERS.

Young, J.
Baring, H.

House adjourned at half-past eleven o'clock.

HOUSE OF COMMONS,
Friday, May 9, 1845.

MINUTES.] NEW MEMBER SWORN. For Peebles-shire, William Forbes Mackenzie, Esq.

BILLS. *Public.*—1°. Colleges (Ireland).

2°. Indemnity.

Reported.—Railway Clauses Consolidation (Scotland (No.2).

Private.—1°. Whitehaven and Furness Junction Railway; Great Western Railway (Ireland) (Dublin to Mullingar and Athlone); Birmingham and Gloucester Railway (Worcester Deviation); Birmingham and Gloucester Railway (Wolverhampton Line); Birmingham and Gloucester Railway (Gloucester Extensions, Stoke Branch and Midland Railways Junction).

2°. Londonderry and Enniskillen Railway; London and Brighton Railway (Horsham Branch); Guildford Junction Railway; Gravesend and Rochester Railway; Great North of England (Clarence and Hartlepool Junction) Railway.

Reported.—Huddersfield and Manchester Railway and Canal; Hull and Selby Railway (Bridlington Branch); York and North Midland Railway (Bridlington Brsnch); York and Scarborough Railway Deviation; Whitby and Pickering Railway; Glasgow Police; Calton and Bridgeton Police; Anderston Municipal and Police; Bridgeton Municipal and Police; Edinburgh and Glasgow Railway; Eastern Counties Railway (Ely and Whittlesea Deviation); Nottingham Waterworks (re-committed); Great Grimsby and Sheffield Junction Railway; Castle Hill (Wexford) Docks.

3°. and passed:—Stoke-upon-Trent Market; Blackburn.

Burnley, Accrington and Colne Extension Railway; Boddam Harbour.

PETITIONS PRESENTED. By several hon. Members, from a number of places, against the Grant to Maynooth College.—By Sir H. Douglas, from Liverpool, for Reduction of Tolls and Dues levied by Lighthouses.—By Alderman Copeland, from Earls Heaton, for Inquiry into the Anatomy Act.—By Alderman Thompson, from several places, against Justices' Clerks and Clerks of the Peace Bill.—By Sir G. Clerk, from Mid Lothian, for Ameliorating the Condition of Schoolmasters (Scotland).

VOTES OF CHAIRMEN—COMMITTEES ON RAILWAYS.] Mr. *Gisborne* rose, pursuant to the notice he had given, to call the attention of the House to the subject of which he had yesterday put a question to the noble Lord the Chancellor of the Duchy of Lancaster, as to the system of Chairmen voting in Committees on Railway Bills. At the time he had put that question, he was not aware of the existence of a Resolution of the House in 1836, by which it had decided that a Chairman of a Committee should not vote at all unless the Members of the Committee were equally divided. Now, in some cases, the effect of that Resolution would be, that a Chairman would be precluded from voting. This did not seem a satisfactory mode of settling the difficulty; and, therefore, he was driven to look about and see how the matter might be otherwise amended. At first he was disposed to follow the example of the practice in Election Committees, and where the votes were equal, to let the Chairman have a double vote; that was, that he should vote as a Member of the Committee, and when, by that vote, the numbers were equal, that he should have the casting vote; but this, he found, was open to many objections; and to this one in particular, that it would be opposed to the Resolution of the House in 1836. Under such circumstances, though he would prefer the course which at first suggested itself, he would propose this Resolution:—

"That in all cases in which the Members of a Committee on a Railway Bill, or Group of Bills, shall be reduced to four, the proceedings on such Bill or group of Bills shall be suspended until the Committee of Selection shall have discharged one of the said four Members from further attendance on the said Committee."

Lord *G. Somerset* said, that though he admitted that the present system was in some respects inconvenient, he doubted much whether the proposed plan would not cause a greater evil than that which it sought to remedy. The subject had been much discussed in the Committee of Selection, which was in general fully attended, and that Committee had determined that the best course to be adopted was, when the five Members of a Sub-Committee should be reduced to four, to let any disputed question be decided by the majority of three, thus leaving out the Chairman; for the general feeling seemed to be against giving the Chairman a double vote. The Committee of Selection had provided for the chance of two casualties out of a Committee of five, and, therefore, they made three the quorum. If the Chairman were to have a double vote, it would place him in a situation of anxious responsibility; for few men, if any, would like to encounter the anxiety of deciding on questions involving property to the amount of millions by his casting vote. For his own part, he should feel great distrust in his own decision when called upon to pronounce it in any such case. He would, under such circumstances, prefer adhering to the system as it now stood, though he would admit it had its defects.

Mr. *Labouchere* concurred with the noble Lord who had just sat down in some parts of his remarks as to the defects in the proposed Resolution; but he thought that his hon. Friend (Mr. Gisborne) was entitled to the thanks of the House for bringing the subject under its notice. He did not think that the system ought to be allowed to remain as it now stood. He could not support the Motion of his hon. Friend; but if any hon. Member would propose that when the Committee were reduced to four, and that the numbers were equal on any disputed question, the Chairman should have a double vote, it should have his support.

Mr. *Warburton* was of opinion that giving the double vote to the Chairman where the division of four was equal, would be the safest course.

Mr. *Vernon* was in favour of giving the casting and double vote to the Chairman, who was generally the best informed as to all the details of the matter before a Committee.

Mr. *Ward* hoped that his right hon. Friend (Mr. Labouchere) would put his suggestion in the shape of an Amendment, as it would be most likely to meet the wishes of the House.

Sir *G. Grey* thought that the public would have little confidence in the decisions of those Sub-Committees if the Chairman were precluded from giving his opinion, and voting on the subjects under dis-

cussion. He would propose, as an amendment to the Motion of his hon. Friend (Mr. Gisborne)—

"That all Questions before Committees on Railway Groups or Bills shall be decided by a majority of voices, including the voice of the Chairman, and that whenever the voices shall be equal, the Chairman shall have a second or casting vote."

Mr. *Shaw* seconded the Amendment. He had been a Member of the Select Committee, by which the new constitution of Railway Committees for the present Session had been recommended; and he had anticipated the difficulty that had arisen in the case of the York group by the Committee being reduced to four members. The hon. Member for East Retford (Mr. Vernon) had not stated quite correctly the practice of courts of justice where there were an even number of members: there they all had one vote; and, where they were equally divided, the chief, or president, had no casting vote; and there was no decision but according to the practice of the House of Commons. The Chairman (except in Election Committees under Act of Parliament) had no vote at all unless where the members on each side were agreed, and then he had a casting vote. In case, therefore, of an uneven number of members — as in the present instance, where, without the Chairman, they were reduced to three—he never could have a vote at all, and would necessarily lose much of his influence and authority. He thought, on the whole, the best way to meet the difficulty was that proposed by the right hon. Baronet (Sir George Grey), to give to the Chairman the double vote in the case of an equality of votes—and he, therefore, would second the Amendment.

Resolution withdrawn, and Amendment carried.

ACADEMICAL INSTITUTIONS IN IRELAND.] Sir *J. Graham* then proceeded to say: As I am about to trespass upon the indulgence of the House in a manner which is not strictly regular, I desire to state that if it be the feeling of the House that before the adjournment petitions should be presented, I will gladly give way. ["No;" "Go on."] Then, Sir, collecting that it is the wish of the House that I should now proceed, I shall, in obedience to their pleasure, address you on the Motion, notice of which stands in my name upon the Books; and I shall not trespass upon your indulgence by any elaborate preface. I shall not dilate upon the importance of the subject, nor upon the difficulty of the measure which I am about to bring under your notice. I am painfully conscious both of the importance and of the difficulty; and neither the House nor myself can overlook the magnitude of the subject, when I state that the design of my Motion is to improve the social condition of Ireland; and you will be well aware of the difficulty when I state that the means sought by Her Majesty's Government for improving that social condition, are the diffusion of the benefits of education among the middle and higher classes of society in Ireland. Now, Sir, in dealing with the subject of education, it cannot be dissembled—for experience has fully demonstrated it — that religious differences constitute the great difficulty in the way of a satisfactory adjustment of a general system of education. It is true, that in Ireland the difficulty that presents itself is not of the same character as that with which we have had to contend in England. There is not in that country the same variety of religious sects or of opinions. But still, in that country, there is one great and striking anomaly which constitutes of itself an immense difficulty. The religion of the great majority of the people of that country has long and continuously been treated by the State as a hostile religion. I am happy to say that that system has been gradually mitigated, if not entirely removed. Civil equality has been granted to the Roman Catholics in Ireland, and to the Roman Catholics in Great Britain. The penal laws have been removed, or they are in progress of removal from the Statute Book; but still there are traces remaining of that hostile disposition on the part of the State, and these traces are no where more perceptible, and in no degree more noxious, than where they are still found interfering in matters of education in that part of the United Kingdom. I have stated the difficulty. It is well known—it has been clearly ascertained, and is fully admitted. The subject is one that has undergone repeated inquiry, both by Commissions and by Committees of this House, from a very early period since the passing of the Union; and, in latter times, we have not only this advantage, that the difficulty has been ascertained, but the far greater advantage of considerable practical experience of the mode in which this difficulty may be suc-

cessfully encountered and certainly overcome. I shall shortly refer to some of the inquiries which have been instituted into this subject. In the first place, I shall refer you to Reports of Commissioners; but before I do so I will simply make this observation: Various plans for educating the people of Ireland, with the aid of Government grants, have been proposed—various attempts have been made—but those attempts have generally failed; and they have failed whenever there was an interference with conscience in matters of religion. I state this broadly, and without reserve or hesitation. I will now direct your attention to a very remarkable inquiry which was instituted by Commission in the year 1806, and I will advert to the Report made in 1812 by the Commissioners. It is very important in reference to this subject; and I hope you will pardon me if I read two extracts from it, because it is a Report that appears to me to contain the germ of a sound principle, by which may be met the difficulties of establishing a system for education in Ireland: and because also it contains the principle of the measure I mean to propose to you, and I may say the basis on which it is founded. The Commission was appointed in 1806, and its Report was presented in 1812. I will now beg your attention to these remarkable words:—

"We have applied our efforts to the forming of a system which will afford education to the lower classes of the people;"—

and, in passing, I may remark that if this principle be sound, it ought not to be limited to the lower classes; but is capable of extension to all classes of society in Ireland—

"which may, at the same time, by keeping clear of all interference with the particular religious feelings of any, induce the whole to receive its benefits as one undivided body, under one and the same system, and in the same establishment."

But the expressions which I am now about to quote are more pointed and still more remarkable:—

"We conceive it to be of essential importance to any new establishment for the education of the lower classes in Ireland, and we venture to express our unanimous opinion, that no such plan, however wisely and unexceptionably contrived in other respects, can be carried into effectual execution in this country unless it be explicitly avowed, and clearly understood as its leading principle, that no attempt shall be made to influence or disturb the peculiar religious tenets of any sect or description of Christians."

Sir, I believe this to be the sound principle on which education in Ireland must be dealt with; and I again repeat that it is the germ of the principle which has latterly been carried into full effect under the Board of National Education; and it is the principle upon which the measure I am about to propose is founded. Now this was a unanimous Report; and allow me to call the attention of the House to the signatures that are attached to it. It is signed by the Protestant Primate of Ireland of that day, by the Protestant Archbishop of Cashel of that day, by the Protestant Bishop of Killaloe, by Dr. Elrington, and by the late Mr. Leslie Foster; a more unexceptionable Commission could not have been constituted. Sir, I will next call your attention to another Report, as remarkable, as full, and as decisive, which was made in the year 1826 by the Commission appointed in the year 1824. The leading members of that Commission were Mr. Frankland Lewis, the late Mr. Baron Foster, Mr. Blake, Mr. Glasford, and Mr. Grant. They recommended in their Report—

"That schools should be established for the purpose of giving to children of all religious persuasions such useful instruction as they might severally be capable and desirous of receiving, without having any grounds to apprehend any interference with their respective religious principles."

And they go on to recommend that religious instruction should be given to Protestants and Roman Catholics, not jointly, but separately. I will now shortly call your attention to the Report of the Committee of this House in the year 1828, to which Committee were referred the Reports of the two Commissions from which I have read these extracts—the Commission which reported in 1812, and the Commission which reported in 1826. I have the Report of that Committee here. There are several Resolutions contained in it, to which, if I were not afraid of detaining the House too long, I would especially call your attention; but it is my purpose to give to you a summary of their Report in the words of the letter which was addressed by my noble Friend the Secretary for the Colonies (Lord Stanley), in the year 1831, to the Duke of Leinster, at the

time when it was proposed that the National Board of Education in Ireland should be formed. My noble Friend correctly gives the summary of their Report in these terms:—

"In 1828 a Committee of the House of Commons, to which were referred the various Reports of the Commissioners of Education, recommended a system to be adopted which should afford, if possible, a combined literary and a separate religious education, and should be capable of being so far adapted to the views of the religious persuasions which prevail in Ireland, as to render it in truth a system of national education for the poorer classes of the community."

And then my noble Friend goes on to say—

"For the success of the undertaking, much must depend upon the character of the individuals who compose the Board; and upon the security thereby afforded to the country that, while the interests of religion are not overlooked, the most scrupulous care should be taken not to interfere with the peculiar tenets of any description of Christian pupils."

Again, the subject was referred to a Committee of this House in the year 1830, and that Committee reported as follows:—

"The House will find that your Committee have received much evidence of importance on the subject of the education of the poor. They cannot but hope that no further time will be lost in giving the public the benefit of the expensive and long-protracted inquiries before the Royal Commissioners of 1806 and 1825, and the practical recommendations of the Select Committee of 1828, the Report of which Committee is ordered to be reprinted."

In the following year—in the year 1831—the present system and the present Board of National Education were established for the purpose of providing education for the poorer classes in Ireland; and the principle on which that Board was founded, and on which that scheme of national education rests, is summed up in the Report of the Board for the present year, which I have just received, and am about to lay on the Table of the House—a principle which is stated with brevity, but with perfect accuracy and remarkable clearness. The principle is this:—

"The principle of this Board is, and has been from the beginning, that the national schools shall be open alike to Christians of all denominations, and that accordingly no child shall be required to be present at any religious instruction or exercise of which his parents or guardians may disapprove; and that opportunities shall be afforded to all children to receive separately, at particular periods, such religious instruction as their parents or guardians may provide for them."

Now I have stated to the House the theory of this scheme of education, and I may also remark to you that practical experience is not wanting upon this subject. The difficulty has been ascertained, and clearly ascertained, and the mode in which it may be met is distinctly enunciated by the high authorities whom I have quoted to you; and we have now to deal practically with the subject, possessing the advantage of having had some experience in the practical application of the theory. Whilst it was attempted by the State, setting aside this principle, to give education to the poorer classes in Ireland, in conjunction with attempts to proselytize, large sums were annually voted for that purpose; but they were voted in vain. The great body of the people of Ireland derived no advantage from the scheme, and rejected the education offered to them. I might adduce the instance of every grant made prior to the foundation of the National System, in attestation of this fact. "The Incorporated Society for promoting English Protestant Schools in Ireland" was the first. In 1825, the last year of the grant to that society, no less a sum than 21,000*l.* was voted by Parliament; and what was the number of its schools? There were thirty-two schools, and the number of children educated in those schools was under 2,300. There was another institution—the schools of the "Association for Discountenancing Vice in Ireland." Up to the year 1825 there was an annual grant of this House in their favour. The sum voted in that year was about 7,106*l.*; the number of schools was, in 1824, 226; and the number of children educated there was 12,769, of whom it was stated that 7,803 were Protestants, and 4,804 Roman Catholics. These two societies, founded on the exclusive system, were admitted to be so entirely failures, that the Legislature deliberately abandoned them. The first and only great experiment upon the opposite principle, laid down in the Report of the Primate of Ireland, the Archbishop of Cashel, and Mr. Leslie Foster, in 1812, is the National Board of Education in Ireland. Allow me just to call the attention of the House to the remarkable success of that system, as contrasted with the failure which I have

now pointed out. I will not go back beyond the year 1839. In that year there were 1,581 schools connected with the National Board, and the number of children educated amounted to 205,000. While the attempt was made to educate the poor of Ireland on an exclusive principle, the sum voted by Parliament, in 1824, was 21,615*l.*; the "charter schools" were thirty-two; and the number of children educated only 2,255. In 1839, the schools in connexion with the National Board had increased to 1,581, and the number of scholars to 205,000. But this is an incomplete view of the contrast: I go on to state, that at the close of 1844 there were no less than 3,153 schools, and the number of children at that time educated in those schools amounted to 395,000; at the present moment there are above 400,000 receiving education in Ireland under the National Board. Now, Sir, it will be said that this education is confined only to the humblest class of society, and that the proposition I am about to make to you will affect only the class of a much higher grade, and removed to a level of society far above those in the national schools. Owing to the liberality of the grant recently made by Parliament, I have great satisfaction in stating to the House that the National Board have divided their school districts into thirty-two, covering the whole surface of Ireland, and have resolved, in each of these thirty-two districts, to establish a model school for the purpose of extending the benefit on the same principle of this great boon of national education to the shopkeeping class, and those above the lowest; thus extending further the benefits derived from the great principle of national education. Sir, I state this in passing, because it removes an objection which may be urged, that education has only been provided for the lowest classes—that the proposition I am about to make provides for the upper classes, and that the connecting link between them is wanting. I have pointed out to you that by the liberality of Parliament, and under the direction of the National Board, that connecting link has been already supplied. Sir, I have hitherto spoken only of Ireland; but I should represent very imperfectly the experience we have to guide us in dealing with this subject, if I confined my view exclusively to Ireland. We have had some experience also in this country, when dealing with University education, as to the mode in which the religious difficulty respecting Dissenters is to be met. For a long time there was a struggle that the two ancient Universities of Oxford and Cambridge, immediately connected with the Established Church of this country, should be opened, without any restraint or restriction, to the free access of all classes of Dissenters. That point was much and angrily contested, and no immediate or probable solution of it presented itself either to the Legislature or the Government. But in these circumstances of difficulty it was thought expedient to establish—and Governments differing in principle and opposed to each other in the contest of opening the two Universities to Dissenters, did concur in establishing in this metropolis a third University—the University of London; and in that University there is no test required either of teachers or of students: although professing every possible variety of religious creed, they receive in harmony the advantages and honours, literary and scientific, of the University in this metropolis. This is the very basis of that University. There are two Colleges founded on opposite principles. In University College the system is in strict unity with the University itself—there is no religious test—there are no divinity lectures—there is perfect freedom upon the matter of religious opinion and the rights of conscience. King's College, on the other hand, is founded on the model of a College of one of the older Universities—there are divinity lectures; it is, in fact, exclusively a College connected with the Established Church; but the two Colleges are combined in perfect harmony in the London University. Nor is this all; the University has within itself an expansive power—it has the power, with the consent of the Executive Government, of appending to it any seminary or college in any part of the United Kingdom; and it has been my duty to give my consent to the Roman Catholic College in Carlow being placed in connexion with the University of London, clearly demonstrating the wide-spread advantage of that institution. But I pass from England to Scotland; we have had there the experience of centuries. In that country there has been, as hon. Gentlemen are aware, much of religious conflict—not so much certainly on matters of doctrine, as on matters of discipline—and although the ground of controversy has been often small, the anger and virulence with which the conflict has been carried on was by no means proportionate to the

importance of the subject of dispute; yet, notwithstanding all the religious differences that have existed at various times in that country, in the five Universities of Scotland —and there are no less than five—in them all, without exception, students from the different parts of the United Kingdom, and of every religious creed, meet in perfect harmony in the lecture rooms. There are lectures in Divinity provided for those who choose to attend them, but there is no compulsion in that attendance; and although Divine worship is provided within the walls of the Colleges, it is not a necessary part of the College discipline that the student should attend it. And although we have heard much of late of the tests which by law may be required to be taken by the lay professors of the Scotch Universities, still we have heard, also, that no such tests are now exacted from students at those Universities, and have not been exacted even from professors at the University of Edinburgh for more than half a century. Therefore, whether we look at the University of the metropolis of England, or that of the metropolis of Scotland, we find that no religious test was required either from professors or students in either. Sir, I have now stated to the House what appears to me to be the sound principles upon which we should proceed in this matter; and when I say sound principles, I mean sound principles with reference to the peculiar circumstances of the country with which we are about to deal; and I have demonstrated to you also what was the failure of all your attempts to extend to the Irish people the benefits of education until those principles were adopted, and what has been your success since you began to carry them into execution; and relying alike upon the weight of experience and upon the theoretical soundness of principles such as these, as applied to the state of society, and of the different religious persuasions in Ireland, I am prepared to say that Her Majesty's Government have no hesitation in recommending to the House the establishment of three provincial Colleges in Ireland, all founded upon the principles I have described. Now, Sir, I will proceed shortly to sketch the character of the institutions we propose to create. First of all, let me mention the localities in which we propose, should the House agree to the Bill I shall ask leave to introduce, to establish these Colleges, and then what will be the general outline of their management, and the character of the education to be pursued in them. It would, Sir, naturally occur to any hon. Gentleman who considers the present position of Ireland, that if three be the number of Colleges to be established, the south of Ireland would be the natural site of at least one of these Colleges. I wish not to be understood as pledging myself to the exact locality, but I should say that Cork, seeing that it has an immense population, and that there is an important medical school established there at this moment, seeing that it is easy of access—also that it has a very large population surrounding it—for these, and many other reasons, and especially on the ground of the strong feeling which I find to exist in that locality in favour of some such institution, I should say Cork would naturally be the site of one of the Colleges for the south of Ireland. Her Majesty's Government have considered also that it was expedient not to overlook the claims of the west of Ireland. The exact site of the College for that district of the country, as in the case of the south, I do not pledge myself to, but leave open for future consideration; but speaking under this reserve, I should say that either the city of Limerick or the city of Galway would be the best spot for establishing the College for the west of Ireland. Then, again, as to the north of Ireland, it will be a question open for consideration whether any better site may be suggested; but as at present advised, and for reasons which I shall presently point out, I think it will be possible, and I hope probable, that arrangements may be made for establishing this third College at Belfast. Then, Sir, as to the expense: of course I cannot now pledge myself to the precise amount of expense that will attend the adoption by Parliament of the proposal now submitted by the Government; but I should say, for the purpose of building or of taking possession of buildings and fitting them up for the uses and to the extent we contemplate, and upon the principles I have stated, that somewhere about 30,000*l.* for each of the three Colleges will be sufficient; but I take the outside, and say the expense will be 100,000*l.* for the three—that is, for the purposes of building and founding. Then as to the annual expense for principal, vice principal, professors, prizes, and exhibitions for merit, the sum the Government would recommend to the House as the amount of the annual endowment for each College is 6,000*l.* Thus, the total expense

for the three Colleges will be 100,000*l.*, as the capital to be sunk in the first instance for building and establishing, and an annual sum of 18,000*l.* for salaries and other expenses. I will now proceed shortly to state what is the view the Government entertain with respect to details. Of course I am now merely giving a general sketch, the items of which it may be necessary to vary in the progress of the measure. But I will proceed to give an outline of the scale of allowance to the professors and teachers, and the scale of education which it is proposed should be pursued. In each College we propose that there shall be a Principal, to whom the sum of 1,000*l.* a year shall be assigned as a salary, and ten or twelve professors, each of whom shall have an allowance of 300*l.* a year. There will be more, especially at Belfast and Cork, where there are medical schools, to which we attach considerable importance, as connected with those localities, professors of the medical sciences; and when I say there will be twelve professors in each of those Colleges, I include, of course, the professors of anatomy, surgery, and chemistry. Considering all the circumstances with which we have to deal, it is our intention to propose that the professors in all the three Colleges shall be nominated by the Crown, and that the Crown shall not only have the power of nomination, but also the power of removal for cause shown. And I propose that the Crown should have this power of removal for this reason—that while we seek, in the establishment of these institutions, to exclude any undue interference with religious opinions, security must be taken that in the lectures—not theological—opportunities are not seized of making these lectures the vehicle of any peculiar religious tenets; therefore it is that we propose to vest the power of removal in the Crown after appointment, for cause which must be shown. With regard to the Principal, I should say, it would be advisable that he should reside within the walls of the College; but I do not intend that provision shall be made within the College for the residence of either the professors or students; and in this respect we shall follow in general the example of Scotland. But although we do not provide for residence, there will be that degree of external supervision exercised over the students living without the walls—not direct, certainly, but indirect—which is likely to be perfectly satisfactory to parents and guardians. We make, however, no provision for the residence, within the walls, of either professors or students. The scheme of instruction will be by means of lectures, and daily examination in connexion with those lectures. To the latter point—the daily examination—I attach the greatest importance; for, as a system of education, I believe that lectures, without a stringent, frequent, and searching examination, are perfectly fruitless, and the education so communicated extremely superficial. I have already stated that, consistently with the principles on which the measure is based, there will be in none of the Colleges a faculty of theology; it is, consequently, not proposed to endow any lecturer in divinity. It must not, however, be supposed that religion will be altogether disregarded in this institution. On the contrary, we propose that, under this Bill, every facility shall be given for the endowment, by means of private benefactions, of professorships of theology, subject to the visitorial power of the Crown; and, under regulations as to the lectures to be given in the Colleges, we propose that instruction in theology may be given in the lecture room within the walls of the College. It would be monstrous if any other course were taken; for although, in localities like Cork and Galway, the Colleges must necessarily be in the main Roman Catholic Colleges, I yet hope that the Protestant youth of that neighbourhood will attend, and share the advantages of the education in arts and sciences there provided. And supposing that Protestant parents in the neighbourhood of the College—wealthy Protestant parents—should be anxious that, while their sons attended for those purposes, they should be sure of receiving instruction in the religious doctrines of their forefathers, and, by their own private munificence and private benefactions, were willing to endow institutions for lectures in the Protestant religion, in the Colleges of Cork and Galway—I say, it would be hard beyond measure if full opportunity were not given for carrying out those beneficent intentions, and if full facilities were not afforded by such means for such instruction and such religious education. The Bill, therefore, I am about to bring in, will provide that such facilities shall be given, and in a manner which, I think, will be found unexceptionable. Of course, there will be no compulsory attendance on any of these theological lectures; and it will only be when the numbers of students are sufficient to demand it, and when private

benefactions and private munificence have provided for it by endowment, that such religious instruction will be afforded. The same principle will apply to the Roman Catholics also. Suppose Roman Catholic students attend, as I hope they will, the College we propose to establish at Belfast, it is evident that that College will be in the main a Presbyterian College; but, as in the case of the Protestants at Cork and Galway, so in the case of the Roman Catholics at Belfast, it would be hard beyond measure if Roman Catholic parents there had not facilities afforded them of giving effect to their own beneficent intentions, and of providing, by endowment, religious instruction to their children in that College. The principle—the fundamental principle—on which we ask the House to carry this proposal of the Government is, the absence of all interference, positive or negative, with the conscientious scruples of the students in matters of religion. That is the principle which I contend for, and that is the principle on which alone I can anticipate success for the measure in Ireland. I said, Sir, that as connected with Belfast, there were certain particular circumstances to which I would presently allude more fully. The House will bear in mind, that for many years there has existed an academical institution in Belfast, which has received the aid of Parliament in the shape of an annual vote, to the extent of 2,100*l.* a year. That institution may be said to have been founded originally much on the same principles for which I contend, as necessary to be followed in the establishment of academical institutions for Ireland generally. That institution has been mainly attended by Presbyterians of the north of Ireland, and by the Presbyterian youth training for the ministry of that part of the country; and, moreover, of the professors connected with that institution four of them are professors of divinity, and these are nominated, not by the general governing body of the academical institution, but by the General Assembly of Ulster, and are in immediate connexion with that body. It would be hard, under these circumstances, to deprive that body of a benefit which they have received for almost twenty years; and it is, therefore, not the intention of the Government to deprive the General Assembly of Ulster of the advantage in this respect which it has hitherto enjoyed. It will, as I have before intimated, form no part of the Bill; in fact, it would be inconsistent with its principle to include anything in it partaking of the character of theological endowment; but it is the intention of the Government, in the annual vote, to propose the continuance of the endowment of these four theological professors connected with the Presbyterian Church of the north of Ireland, and to continue in the vote, not only of the present, but in the estimates of future years, the amount now granted for that purpose. I cannot speak confidently; but, Sir, I firmly believe, that if the measure should, as I hope it will, be sanctioned by Parliament, facilities will be given by the managers of the Academical Institution at Belfast, to transfer that building, the premises, library and all other appurtenances, on easy terms, to the Government, for the purpose of founding the College we contemplate to establish at that place. Of course, if such an arrangement should be made, it will diminish, in this case, the expense of 30,000*l.*, which I propose should be the sum granted for the establishment of each College—an expense which I believe the House will think reasonable for the objects of the Bill, and will cheerfully sanction. I should state also that the professors now serving in that institution have an arrangement with the managing body that they shall receive the salaries voted by Parliament during their lives. Unless they should be removed on account of misconduct, the bargain is that they hold their offices for life. Now, Sir, it would be obviously inconvenient, supposing this institution should be transferred to the Government for the purposes of this measure, to fetter them with this arrangement, and thus to limit the Crown in its choice in the case of these particular professors. But in case any of those gentlemen who now fill those offices for life should not be chosen by the Crown, I am quite sure the House will agree with me in affirming the propriety of making provision for affording to them a fair compensation. As relates to the question of the establishment of these Colleges, and of the system of education to be pursued in them, I am not aware that I have failed to state anything that can tend to make the plan of the Government intelligible; but I should still leave the statement most imperfect, if I did not glance at some other important and peculiar circumstances connected with it. The Bill I propose to bring in does no more than propose to build and establish those Colleges in Ireland; but the great question that presents itself is, shall these three Colleges

be associated together in one University? Or, following the example of Scotland, shall the Crown, in the exercise of its prerogative, endow each of these Colleges with the power of granting degrees in arts, sciences, and in medicine? Now, Sir, it is not necessary—and as I think it would not be expedient—in the present Bill, and at the present time, to fix and carry out any definite arrangement on that point. It is not necessary, on the one hand; while, on the other, I hold it to be important that we should ascertain what amount of success attends this first step—and it is a large step—in advance, before that question is finally decided. At the same time, I will not be so deficient in candour as not to state what is my own opinion of the matter. I think that the advantages in favour of a central University decidedly preponderate. I think a central University affords a common arena in which, from all these Colleges, the youth of Ireland may assemble, and contend, in honourable and honest rivalry, for those exhibitions and prizes, and those honours which are consequent upon, and result from, superior intellect and superior attainment. I think the national character of such an institution can only be exalted by such fair and honourable rivalry and competition; and it is not in the power of Universities, whatever their number or excellence, if scattered through the provinces, to confer equal advantages upon the country with those which would result from such a central institution; nor could you hope to obtain from them that great moral effect and that beneficial influence in after life, which would be produced by the youth of one academical establishment meeting at a central point the youth of another and rival establishment, and thus contending (without reference to creed or party distinction) for those honours and those distinctions which great intellect, combined with great merit and great attainments, are sure to bring. I am quite sure it is impossible for any Gentleman who has taken part in those honourable contests in our own Universities not to remember, with sentiments of esteem and respect, those with whom he may have contended in his academical career, and especially those whose superiority he has tested by experience, and being vanquished is compelled to acknowledge. The impressions and effects which this sort of honourable rivalry produces—impressions and effects most valuable in after life, and exercising the most beneficial influence on the community generally, can, I am persuaded, only be secured by associating the several Colleges we here propose to establish in one central University. There are disadvantages in such a course, I know. I am aware that there are difficulties in obtaining efficient examiners, when the students are brought only occasionally to these examinations—this difficulty is felt in the University of London, and is, perhaps, inherent in the system—there is great difficulty in finding persons who are not versed in the constant habit of teaching and lecturing, and who are separated from the collegiate method of instruction, and who at the same time shall be found in all respects efficient examiners. This brings me to the question, if we are to have a central University for Ireland, with which these Colleges shall be in connexion, where shall it be? Now upon this point I am bound to say, that, considering all the circumstances of the case, and having come to the conclusion that there should be a central University, in which all these provincial Colleges should be associated, I think that central University should be in the metropolis of Ireland. I am aware that this determination presents a question of great difficulty, which, in dealing with this part of the question, I will not attempt to blink. I am of opinion that neither policy, nor equity, nor justice, will admit of any interference with Trinity College, Dublin, as it is now founded, and as it now exists. That College is entirely a Protestant foundation. It was founded originally by Queen Elizabeth, and was founded avowedly for Protestant purposes, which purposes have from that time to the present been steadily maintained; and it is from that source chiefly that the Established Church of Ireland draws its priesthood. The Government have had, in respect to this proposal of Irish education, to encounter amongst some obloquy many painful sacrifices of friendship; perhaps I ought not to say of friendship, but of confidence on the part of their friends; but we have at the same time remarked with pleasure a desire on the part of Parliament that ample provision should be made for education of the Roman Catholic priesthood by the additional grant for Maynooth; and in respect to the measure I am submitting to-night, I propose in like manner that annual aid should continue to be afforded by Parliament to the Presbyterian clergy in the North of Ireland. Now, I find that Trinity College is

an institution that was endowed by a Protestant Sovereign, avowedly for the purpose of providing for the education of the ministers of the Established religion in Ireland, and I cannot, therefore, consent that its property should be invaded, or the uses to which it is appropriated be disturbed. It is proper that I should remind the House that Trinity College is so interwoven and blended by use and long possession with the University of Dublin, that, even if it were found to be expedient to dissever them, it would be difficult, if not dangerous. I find, too, that neither that College nor Dublin University are exclusive establishments. In 1793, that memorable year when the elective franchise was given to the Roman Catholics of Ireland — when the Relief Act, as it was termed, was passed by the Irish Parliament, an important and considerable relaxation as to the exclusive character of Dublin University took place. I will read, if the House will allow me, the Clause from the Act for the Relief of Her Majesty's Roman Catholic subjects in Ireland, by which this change was effected:—

"And, whereas, it may be expedient, in case His Majesty, his heirs and successors, shall be pleased so to alter the statutes of the College of the Holy and undivided Trinity, near Dublin, and of the University of Dublin, as to enable persons professing the Roman Catholic religion, to enter into or to take degrees in the said University, to remove any obstacle which now exists by Statute Law; be it enacted, that from and after the 1st day of June, 1793, it shall not be necessary for any person upon taking any of the degrees usually conferred by the said University, to make or subscribe any declaration, or to take any oath, save the oaths of allegiance and abjuration, any law or statute to the contrary notwithstanding."

That law now regulates the University of Dublin; and the Sovereign, by the advice of the Government, almost immediately after the passing of the Relief Act, by letters patent, enlarged the rights and privileges of the Roman Catholics in respect to Trinity College and the Dublin University. The Roman Catholic students, therefore, are now admitted to Trinity College and Dublin University without any test except those oaths which they have no difficulty in taking. They are all admitted to degrees; and to all the other advantages of the University. When I say all the advantages, I except, of course, which is certainly very important—the emoluments arising from the original endowment, which it expressly limited to Protestant uses. The right hon. Gentleman [Mr. Wyse who had interjaculated a remark,] says, that these emoluments constitute the real essence of college advantages, and the right hon. Gentleman talks of the "golden fruits" of collegiate establishments, referring, so far as I understand, to the scholarships. But, Sir, the fellowships, with the exception of two, are held, I think, under the terms of the charter, by clergymen of the Church of England; but as to the scholarships, a greater doubt exists. Allow me to call your attention to some evidence upon the subject, which I think of great importance. I am about to read the evidence given by Mr. O'Connell before a Committee of the House of Lords in the year 1825 upon this point—on the point whether it was desirable that the scholarships of Trinity College should cease to be held as they at present are by Protestants only, and should be open to Roman Catholics? On the 11th of March, 1825, before the Committee in question, Mr. O'Connell was asked—

"Do you not know that at this moment there are a great number of Roman Catholics educated in the University of Dublin?"

The answer is—

"A great number; but at present, unfortunately, under unpleasant cirsumstances. There is, unfortunately, now a considerable spirit of religious acrimony, which, one way or the other, has got into Trinity College in Dublin, and makes it unpleasant to the Roman Catholic young gentlemen to be there: but very little attention would soon put a period to that, more especially as most of the fellows, I am sure, would most heartily concur in discountenancing it."

Let me pray the House to attend to the following question and reply:—

"Would not one measure very much tend to conciliate the Roman Catholics, and to do away the unpleasantness to which you have referred, namely, that of leaving the election of scholarships open to both religions, which they are not now? I doubt that. I will state why. As Trinity College, Dublin, is constituted, it is intended for the education of the Protestant clergy. I do not think it would be a wise thing to give the scholarship to Catholic young men. I think that young men of talent who are intended for the Protestant Church, ought to have those scholarships. It is intended for the education of Protestants; but then the scholarships are helps to poor young men. The Protestant gentry can support themselves exclusively, and thus they seldom look for them, except

from political motives and the natural desire of young gentlemen to distinguish themselves; but no fellow-commoner can get a scholarship; the scholarship is, therefore, excluded from the Protestant gentry. My notion is, that the intention was to leave those scholarships for young men intended for the Protestant Church, who would exhibit their talents, and would have the means, by those scholarships, of supporting themselves till the time of their ordination in the Church. Considering that to be the case, I conceive that no other person ought to interfere with their possession of them."

To this I have not a word to add. I rest upon this evidence—the evidence of Mr. O'Connell before a Committee of the House of Lords, and it appears to me with respect to the scholarships to be perfectly conclusive. Now, I must say, that apart from these considerations, I do think that any attempt to force on the Protestants of Ireland the admission of Roman Catholics or Dissenters to the emoluments of Trinity College, would involve the necessity of such a revision of the charter—such a disturbance of the rights of property—such a violation of Protestant feeling—such an alarm through the Protestant body, and I must say, such just cause for alarm, as would render any measure of Government for such a purpose, even if just, which I deny that it would be, utterly impracticable. Therefore, I have no hesitation in coming to the conclusion that such a course is one which the Government cannot and will not take. Nor, Sir, is it necessary that the existing University should be the University of the Colleges which we propose to establish. In 1787, Mr. Ord, the then Secretary for Ireland, did bring the question of collegiate education before the Irish Parliament. Several resolutions were proposed by him; they were fully debated for several days, and all but unanimously adopted. Among them was a resolution upon the question of founding a second University in Ireland, which I will read to the House. It was resolved—

"That the foundation and gradual endowment of a second University within this kingdom, by the aid and authority of Parliament, in addition to the present excellent establishment of Trinity College in this capital, might conduce to the greater perfection of a general system for the improvement of education, and to the wider diffusion of learning and science throughout the nation."

The question was thus considered in an Irish Parliament — this Resolution was adopted; a determination was then taken not to violate the existing institution of Trinity College, and the foundation of a second University in Ireland was held to be conducive to the public good. But I still think — although I have thought it right in candour, to enter fairly upon this subject, and to state my own views upon it—the question does not necessarily arise from the Bill we are now discussing. This Bill does not propose to establish Universities; it is limited to the foundation of three Colleges; and it will be open to the wisdom of Parliament—when it shall have seen the result of this experiment—to afford means to Her Majesty, in the exercise of Her prerogative, to establish all or any of them as Universities, with the faculty of granting degrees—to establish a new University in Dublin—or even, should Parliament see fit, to incorporate them with the existing Dublin University. Looking, then, practically at the question—viewing the difficulties which attend it on every side—I am disposed to recommend this measure as open, on the whole, to the fewest objections, and as practically most easy of execution. Now, Sir, I certainly should very imperfectly perform the task which I have undertaken, if I fail, before I sit down, to pay a tribute of well-merited applause to the hon. Gentleman the Member for Waterford (Mr. Wyse), whose exertions on this subject entitle him to great praise. Under the most adverse circumstances—through good report and evil report — he has struggled for this object—he has forced it upon the attention of reluctant Governments and adverse Parliaments—he has, greatly to his honour, done his utmost to give effect to his own views—and then, without a particle of jealousy or of ill-feeling even towards an Administration not generally possessing his confidence, but one which, he believed, was willing and had the power to give effect to his opinions, he has renounced for himself the glory, and relinquished it in favour of his adversaries. Conduct more honourable could not be exhibited by any gentleman; and whatever the success of this measure may be, and whose soever the hands in which it may succeed, I shall never cease to think that a large portion of the merit of that success will belong to him. Now, I have stated what I feel with reference to the praise due to the hon. Gentleman, and I may ask the House to pay some attention to his opinions. He has considered the subject carefully and attentively, and he has

confined his exertions to the establishment of provincial Colleges. Let me read to the House what the hon. Member has put upon record as to this subject. In writing to Lord Morpeth, he thus expresses himself:—

"I trust, my Lord, I have placed before you (and in doing so before the Cabinet), with sufficient clearness, the chief bearings of this important subject, and that I have at last succeeded, after the many communications I have had with you already on every one of the points to which I have just endeavoured to call your attention, in impressing your Lordship with the necessity, the object, the nature, the advantages, but more especially with the practicability (which seemed to be so much doubted) of establishing and maintaining, not one, but, in time, a series of provincial Colleges in Ireland."

I beg the House to observe what the hon. Gentleman says as to the success of a measure so limited:—

"For my own part, sensible as I am how little weight attaches to my opinion, I still venture to state, that every day that passes, and every person with whom I converse, adds only to my conviction, so often expressed before, that a greater boon could not be conferred on the country, blessing him that takes, and him that gives. A nobler monument could not be left behind them by the Government, more tending to the virtue and happiness of the people, to the quiet and prosperity of the country—more likely to be valued, and more valuable—but, above all, more cheap and more practicable than the execution of the project which not I, but a Committee of the House of Commons, here submits to your consideration."

Such is the opinion of the hon. Gentleman as to the proposition which I have now brought under your notice. I agree with the hon. Gentleman. I am strongly and decidedly of opinion, that should the House sanction this proposition—limited as it is—that yet it involves a measure which will have a most favourable effect on the moral and social condition of the Irish people. My belief is, that it will conduce to the concord, the order, the peace, and the virtue of that country. To maintain and to preserve these is the grand object of successful civil government. I believe that if you will consent to this measure, these great and noble objects will be essentially promoted. I have been taunted with former failures, in reference to this subject. Sir, I am aware of my inability as an advocate to plead the cause of national education; but I am deeply impressed with its importance, with the soundness of the principle which I have proposed; and I am confident, very confident, indeed, of the good which will result from it. I implore, then, your co-operation and general support. I ask for it without reference to religious differences which may prevail in Ireland, without regard to political disputes which may exist here. I have tried to state the case fully and fairly. I have not kept back any one point. I have enumerated all the difficulties which attend this measure—I have mentioned my own views as to those difficulties—I have announced the plan which Government proposes to carry into effect—I have not shrunk from mentioning that which, consistently with their sense of justice and honour, they cannot undertake to propose. I have done all this, and I have now only to thank the House for the patient attention which it has paid to me, and to move for leave to bring in a Bill to enable Her Majesty to endow new Colleges for the advancement of learning in Ireland.

Mr. *Wyse* said, that connected as he had been for some time with promoting, at least, the discussion of this question, and hoping, through a long period, that there would at length arrive a time when the consideration of Parliament would be given to it without distinction of political or religious differences, he trusted that he might be permitted to detain their attention for a short period in making a few observations upon various parts of the project submitted to the House by the right hon. Gentleman. During the last Session of Parliament he had submitted to the Government a proposition which he thought it his duty to lay before the House and the country, and received upon that occasion from the right hon. Baronet at the head of the Government a pledge, that during the recess, he would give every attention to inquire and consider what his Motion had in view; and that if it were not in the power of the Government to propose a measure likely to meet with the concurrence of the country, he would return it into his hands, and give him what support was within his reach. He must say, after having heard the speech of the right hon. Baronet the Secretary for the Home Department, that as far as one part of his plan went, he had redeemed that pledge to the full. The question resolved itself into two distinct branches. One referred to the establishment of institutions between elementary education and uni-

versity education. The second referred to university education immediately following that department to which he had before alluded. In the Report of 1838, a Committee of the House declared their opinion that it was unwise, dangerous, and pernicious to the social condition of the country and to its future tranquillity, that so much encouragement should be given to the education of the lowest classes, without, at the same time due provision being made for the education of the middle and upper classes: and in proportion as that education proceeded, it must have occurred to the observation of very many, that every day there was a greater chance of a contrast existing between the education of the lower and of the middle and upper classes. Great encouragement was afforded by the Government to the former, and even at that moment, by the existing system of elementary education, there were strong indications of a contrast between the old and the new system, which, if carried to a greater extent, might, perhaps, produce still more distinct opposition than now existed. The system of elementary education had been carried to a much greater extent than any former system; and not only was there a larger number of children educated, but, what was of greater importance, the education in those schools was superior to any that the country had hitherto had. He might also observe that the religious differences, from which so much was apprehended in this country, were gradually melting away. There was sufficient then, to justify the Government in laying down the same principle as the foundation of all other systems. He trusted, however, that the Government having given their consent to the establishment of thirty-two model schools, greater efficiency would be given to them than now existed. The colleges established in Ireland ought to be so constituted as to admit a large number of pupils, who should receive as effective a course of intellectual education as the improvements of the present day allowed. Far from undervaluing the importance of religious instruction or discipline, he had always expressed his strong opinion that it was most desirable such instruction should be rigidly enforced; and he would even go further than the right hon. Baronet (Sir J. Graham), and say that he considered the moral and religious conduct of the pupils should, in some degree, be taken as a test of their fitness for degrees. He considered it desirable that theological chairs (as we understood the right hon. Gentleman), in connexion with the different religious communities, should be established in the new Colleges; and he could not think that the professors of any religion would grudge the pittance necessary for the endowment of a single chair at each College. He would combine with the chair of religion those of metaphysics, moral philosophy, and the philosophy of history. From the constant communion which would exist among the pupils, an opportunity would be afforded them of comparing their several opinions, and of removing any undue exaggeration or prejudice which might exist on the subject. He thought, also, that the persons appointed to the religious chairs should be approved by the bishop of the diocese, and that such steps should be taken as would afford the fullest guarantee that the distinctive opinions of every religious persuasion would be maintained, and protection afforded against any attempts at proselytism. He wished to call the attention of the Government to the control which it would be necessary to exercise with reference to those pupils who frequented the Colleges, but who did not reside with their own families. The pupils residing with their parents would, of course, be beyond the jurisdiction of the Colleges; but he considered it important that *conservatoria*, or boarding houses, should be established for the reception of pupils who came from distant parts of the country, and that they should be subjected to the strictest surveillance on the part of the College authorities. He also considered that the heads of the *conservatoria* should receive the approval of the religious superiors of the different classes. Some arrangement of that nature was necessary; and if carried out in such a manner as to meet the wishes of the ecclesiastical superiors of the different religious persuasions, it would go far to meet the objections to which collegiate institutions were open, on the grounds of morality and religion. The right hon. Baronet had not stated the nature of the instruction to be given in these Colleges, with the exception of a reference to the medical schools at Cork and Belfast. In his (Mr. Wyse's) opinion, a more industrial character ought to be imprinted upon the education given at the new Colleges, than existed generally with reference to the education imparted in Colleges and Universities in this country.

Mining operations were now extensively carried on in Ireland. They had but recently begun to explore the mines of that country, and it was most important that such a course of education should be adopted, as would qualify persons to conduct such operations. The establishment of an industrial museum in Dublin, which they owed to the right hon. Baronet opposite (Sir R. Peel), and the institution of a geological survey, which had developed the mining resources of Ireland, were most opportune in connexion with the establishment of the new Colleges. He considered that arrangements should be made for affording efficient instruction in civil engineering, and in those sciences which required practical exertion and knowledge. Such a course of instruction would induce habits of attention, thought, and tranquillity, which would eventually lead to the formation of a sound middle class in Ireland, and tend to promote peace and order in that country. He hoped attention would also be paid to the establishment of large museums and collections, which should not be confined to the use of the Colleges, but should be open to the public. In Cork, there was already the foundation of what might be rendered a valuable museum; and he believed, in many cases, if such institutions were established, private liberality would speedily aid in the formation of libraries. The question as to the payment of the professors, and their lodging in the Colleges, was very important. He considered (as we understood the right hon. Gentleman) that neither professors nor pupils should lodge in the Colleges except unmarried professors, for whom apartments could be provided at comparatively trifling expense. Then, as to the nomination of the professors, he admitted the propriety of their appointment, in the first instance, by the Crown; but he thought it might be advisable to pursue a medium course hereafter — to adopt a general *concursus* of examination — as in the University of Dublin; the person who obtained the prize, and who was so far entitled to the appointment, being subject to the approval of the Government. If the appointment rested altogether with the Government at all times, suspicion would at once be excited that the Colleges were only Government establishments, and that the official appointments were not open to that fair competition between man and man, which, in his opinion, gave the greatest vitality to such institutions. Then it would be necessary that some regulation should be adopted as to the power of removal in the case of professors of religion and philosophy who might be guilty of misconduct. The question would be whether a permission or approbation should be required from their ecclesiastical superiors before proceedings were adopted? or whether the Government would debar itself altogether from any interference with the original appointment or with subsequent removal? He had been highly gratified by the statements of the right hon. Baronet (Sir J. Graham) as to the absolute necessity of strict class examination. Without such contact between the tutors and the students as would enable the former to ascertain the mental powers which pupils possessed or could exert — without inquiring into their modes of study and of thought, he was satisfied these Colleges would degenerate into little more than lecture rooms of a popular description; and after much labour, and large expenditure, the Government would be compelled, as in the case of the Cork Institution, to suppress them altogether, or to effect an entire change in the system on which they were conducted. The right hon. Baronet had said nothing as to the attention of the students to religious duties. He presumed the right hon. Baronet did not intend the students to perform such duties in the Colleges; but that they should attend places of worship near the Colleges, but altogether unconnected with them. He hoped the right hon. Gentleman (Sir J. Graham), who had mentioned only three Colleges—at Belfast, Cork, and Galway—did not intend to preclude the establishment of other similar institutions, if circumstances should render them necessary. However they might wish to multiply elementary schools, he concurred in the opinion expressed by those who had given great attention to the subject of education—that it was most unwise to scatter the energies necessary for imparting the higher grades of education over too many institutions. He therefore considered that, at present, the number of new Colleges proposed by Government would be sufficient; and he believed a judicious selection had been made of the places at which those Colleges were to be established. But he must say that he should like, in addition, to see another College instituted either at or near Dublin; not because he wished to establish a sort of ostentatious antagonism to the Univer-

sity of Dublin, but because he thought that, if industrial education was of importance, Dublin should not be excluded from the advantages of an establishment which afforded facilities for such education. The next point to which he would call the attention of the House was the question, whether or not these Colleges should remain detached, separate institutions, or whether they should form, on the plan of the University of London, an aggregation of Colleges under the name of a University. He was decidedly of opinion that, sooner or later, such an arrangement must be adopted; because if they gave all these Colleges the name of Universities, and the power of conferring degrees, they would have the same results as had been produced in Scotland and in various parts of Germany, where the minor colleges had sunk into little more than grammar schools. It would also be impossible to obtain anything like unity or harmony of instruction without some superior head, which might concentrate the scattered rays of light from different parts of the country, and return them back to the country after they had been purified at that centre. But the next and the most difficult question was, whether such central University should be a new University, as had been proposed, under the name of "The University of Ireland," or whether they should not rather make use of existing institutions, and, by a little alteration of those institutions, render them subservient to the purposes they had in view. The University of Ireland—if such an institution were established—might, perhaps, after a time, fairly compete with the University of Dublin; but a considerable time must elapse ere that could be the case. Such an institution would, in the first instance, be regarded contemptuously, not from any deficiency of character, but merely because it was a new establishment. No one could forget the difficulties with which the University of London, during the earlier years of its existence, had to contend; and it was difficult to overrate the prestige of an old University as contrasted with a new one. The University of London had undoubtedly extended its influence; and now, instead of only four Colleges, he believed there were no less than twenty-four in connexion with it. The instruments by which the University of Dublin was founded styled that institution "*Mater Universitatis;*" and this fact, he thought, clearly showed that an intention existed at that time that other Colleges, in connexion with that University, should be established. The Act of Settlement formerly enacted that a second College should be established, to be called "King's College," and to be endowed at the rate of 2,000*l.* a year; but various circumstances had rendered it unnecessary to establish a second College. In the Act of 1793, to which the right hon. Home Secretary had referred, it was distinctly stated, that any future College to be founded and annexed to the University of Dublin, should be open alike to Catholics and Protestants; not only to its studies, its instructions, but also its emoluments, its fellowships, and its scholarships. In calling upon the Government, then, to open the University of Dublin, he merely called upon them to enforce the Act of Settlement, by the establishment of other Colleges; and to carry out the Act of 1793, by opening those Colleges to persons of all religious persuasions. But he was met with the objection, "How are we to establish a governing body?" The senior Fellows of Trinity College, Dublin, constituted, at present, the governing body of the College and of the University; but if other Colleges founded at Dublin, Cork, Galway, and Belfast, were aggregated to the University, he did not see why they should not possess representation in the governing body, which should still comprise a number of senior Fellows of Trinity College. He could not see anything in such a measure calculated to afford just cause of alarm to Protestants or Presbyterians, more than to the Catholic population of Ireland. The question of throwing open Trinity College, Dublin, was entirely distinct, and was undoubtedly embarrassed with very serious difficulties. The College of Dublin was founded by Queen Elizabeth, a Protestant Sovereign; but previously to its foundation, other religious institutions had existed in Ireland—many of them connected with the Dominicans—all of which were suppressed at the Reformation; and this foundation of Elizabeth, a Protestant Sovereign, was consequent on the suppression of those Catholic institutions. This fact ought to be borne in mind, when they were about establishing other institutions for the education of Protestants as well as Catholics in Ireland. All the endowments of Trinity College, private as well as public, were Protestant; and among them were those of Erasmus Smith and Provost Baldwin,

which were of great value. He hoped no hon. Member would suppose that he intended to demand that a single shilling of the money thus given by Protestants should be appropriated to other than Protestant purposes. He did by no means admit that Trinity College, Dublin, was wholly an ecclesiastical institution; and he never at any time said that it was so. It was quite true all the fellowships at Trinity College, excepting three, were ecclesiastical. There were, as he said, only three lay fellowships; and even those who obtained scholarships were expected to declare that they intended to become ecclesiastics. Now, with respect to Trinity College, which was the only College at present in the University of Dublin, he should propose to leave its funds and its fellowships precisely as they at present stood; but he should greatly desire to see some lay fellowships added, for which Roman Catholics and Protestant Dissenters might be eligible. He was aware it might be said that the College of Maynooth did not admit Protestants, and that by the same rule the University of Dublin ought not to be expected to admit Roman Catholics. To that he replied, that the University of Dublin was not an exclusively ecclesiastical institution, and that the College of Maynooth was; and was intended so to continue. If fellowships and scholarships were created in the University of Dublin to which Roman Catholics would be eligible, the governing body might remain on the same principle as at present, their numbers being in proportion to the number of Protestant and Roman Catholic fellows, scholars, and students. The principle had already been recognised; it was the same as that adopted in the Bequests Act. Thus he would have all that was ecclesiastical in the College of Dublin to the Established Church, claiming for the Roman Catholics and the Protestant Dissenters eligibility to lay offices. So long as Trinity College was solely Protestant he did not think it desirable that there should exist in the same city another University; for there was great danger that that would become exclusively Roman Catholic; and if two such establishments were to be placed face to face, there was a risk that such an arrangement, instead of promoting harmony, would be productive of division. He was happy to observe, by the observations made to-night, that the Government did not preclude itself from making any addition to the University of Dublin which circumstance might render necessary; and he hoped in any new establishment which might be formed, means would be taken to give it an expansive power, and to impart to it that weight in the literary world, without which it could not be expected to possess permanent or extensive utility. Oxford and Cambridge contained many offices to which great rewards belonged, and the holders of these situations had no very heavy duties to perform, at least in the middle and advanced periods of life. That was precisely as it should be; for these offices proved rewards to men who had devoted their early years to the pursuits of literature and science, while the leisure which they enabled their holders to enjoy, gave them opportunities to produce works which might be expected to live beyond the present time. It was well known that the people of Ireland were not deficient in activity of mind, or in natural talents; but it was equally well known that the middle classes in that country were not as anxious for literary and scientific attainments, as it was desirable they should be: he hailed, therefore, with infinite satisfaction the propositions that night made by Her Majesty's Government; he regarded it as a great boon that establishments were now to be created for the purpose of communicating that knowledge which would teach men to forget their prejudices — which would remove the scales of ignorance from their eyes— which would make them remember not the differences between them and their fellow men, but the points in which they resembled each other; which would induce them to contend for the wealth that knowledge gave, as well as that which flowed from the Treasury. To do that was to obtain for every investment the largest amount of return—it was to place it out at the best usury. The course which Her Majesty's Government were now pursuing, was one which the country would view with satisfaction, and which they themselves would hereafter recollect with that pleasure, to which so judicious a proceeding would entitle them. He begged to thank the right hon. Boronet for the terms in which he had mentioned his name; and he heartily rejoiced at the near approach of that time when Ireland might hope to be regenerated by improved intelligence, morality, and education, rather than by force or violence.

Mr. *Ross*, on his own part and that of his constituents, expressed his thanks for

the measure, and for the manner in which the right hon. Baronet brought the subject before the House. He (Mr. Ross) felt persuaded that the proposed plan would give satisfaction not only to the managers of the Belfast Institution, but to the General Assembly, who were apprehensive lest their rights should be invaded. It was well known that the Remonstrant Synod was not on good terms with the General Assembly; but the project of making this institution of a non-sectarian character, and at the same time of reserving the rights of the Presbyterians, would have the effect of reconciling all differences. He had had an assurance from both parties that something of this kind was expected by them, and that it would give them much satisfaction. The proposal, he was sure, would also afford general satisfaction in the north of Ireland.

Mr. *M. Bellew* concurred with the view taken by his hon. Friend (Mr. Wyse) of this measure. He feared that if the new Colleges were not connected with the present University they would want that *prestige* which an old institution necessarily had. He hailed this measure as an illustration of the admission that ascendancy could be no longer acted upon in Ireland. To show to what an extent the spirit was now carried, he might mention that four professorships were now open to Roman Catholics, but not one had ever been appointed. It was said that the Catholics of Ireland were admitted to the benefits of the education at Trinity College, just as the Dissenters were admitted to our Universities. But there was no analogy between the case of Dissenters, forming one-fifth of the population, and that of the Roman Catholic population of Ireland, being the vast majority of the people. He thought the reasons which the right hon. Gentleman had stated for placing the nomination to the professorships in the hands of Government satisfactory. The hon. Gentleman then quoted some passages from the pamphlet referred to in the *Morning Chronicle*, by a Catholic priest, and said he did not think any education would be satisfactory to the Catholics which did not place the religious supervision of the pupils in the hands of the priesthood.

Mr. *E. B. Roche* received this measure with great thankfulness, because it tended to enlighten the middle class. The great safeguard of the State was the possessing a middle class, educated and enlightened. It was the great want in Ireland. The national system gave the lower classes a far better education than that which the middle ranks had a right from their position to claim for themselves. This measure would restore the middle classes to their proper position in point of education. A Repealer, as he was, he hailed it on this account; for he was as adverse to the undue power of a democracy, as to the domination of an aristocracy. The speech of the right hon. Baronet was valuable for the principles which it laid down. He (Mr. Roche) was bound to say that this 18,000*l.* a-year, and 100,000*l.* for the establishment of certain Colleges in Ireland, did not strike his mind as sufficiently comprehensive. The plan did not go far enough; it was not a perfect system of education, because there was no connecting link between elementary education, as provided by the national system, and this collegiate education. The right hon. Baronet said something mysterious about model schools; but it appeared that the funds for their support were to be taken from the national system of education; so that the means of education among the lower classes were to be diminished for the benefit of the middle classes. He would suggest that country academies should be established. He would give no opinion as to the opening of Trinity College; but if they refused to open it, they ought to establish in Dublin a University with power to give degrees; and it would be well to give the same privileges to the College at Cork. He congratulated his right hon. Friend the Member for Waterford (Mr. Wyse) on his victory, and on his having obtained from an adverse Government what he had failed to obtain from the one to which he belonged. He was ready to accept the measure as one of peace and hope to Ireland. All the people of that country asked for was, that you should give them the opportunity of enlightening their minds. The ignorance in which they had been kept had enabled the oppressive conduct of England towards Ireland to be continued much longer than would otherwise have been possible; and the present measure, by removing that ignorance, would be the best guarantee against its revival. It was his fervent hope that his countrymen might make progress in the

knowledge of their rights—might rise in the scale of civilization—and, asserting a noble destiny, be in a position to assist England in all her endeavours, and to vindicate the beneficent intentions of Providence.

Sir *R. Inglis* thought that a principle of great importance was involved in the measure of which notice had been given; and, considering that the ground, on which this experiment was to be made, was Ireland, he had waited until Gentlemen—more immediately connected with that division of the Empire (still united)—had enjoyed the opportunity of delivering their opinions, before he trespassed on the attention of the House. He had heard the hon. Member for Waterford, who was so long connected with this subject, and who was now so justly triumphant in having his views, which were not countenanced by the late Government, adopted by the present. He had also heard the hon. Gentleman (Mr. Ross), who is connected with what was called the Presbyterian part of Ireland, but what he would more willingly call the great Protestant part of Ireland; and then followed the hon. Member for Louth (Mr. Bellew), and the hon. Member for Cork (Mr. Roche). The testimony of the latter hon. Gentleman in favour of the measure had peculiar force, inasmuch as one of the new Colleges was to be founded in that county which he represents. But the principle involved in the Bill was one of imperial and national importance. Did he understand his right hon. Friend (Sir J. Graham) to say that not only was there to be no exclusive religious instruction in those institutions which, in the name of Her Majesty, he now proposed to endow, but that there was to be no religious instruction whatsoever given in those institutions? [Sir *J. Graham*: Hear.] That cheer, he feared, acknowledged the accuracy of his memory. The researches of the hon. Member for Waterford were, perhaps, the most laboriously prosecuted by any hon. Member of the House on the subject of education; yet he would fail to show a single instance in history, of a national institution for education connected with the State, and endowed by the State, except on the principles of the Established Church, whether that Church were the Church of Rome, or the Church of Scotland, or the Protestant Episcopal Church which is now the Established Church of Great Britain and Ireland. He could not have believed a few years ago that the present measure would be proposed by the present Ministers. When the London University was proposed to be established, its endowment was objected to by them on the ground of the exclusion of religious instruction. He had believed that those who objected to that would never be the persons to introduce a measure of this kind, in which all religious instruction was to be excluded. He knew indeed, that, collaterally with the Government Colleges, opportunities would be open to rich and benevolent persons to make endowments for religious education; but he did not wish that subjects of such an important kind as this should be left to the uncertainties of voluntary contributions. He thought that all men ought to carry into public life the principles of Christian action which they held in private life. When he spoke of religious instruction, he did not suppose that his right hon. Friend would exclude from the education of his own private family religious instruction. He knew that he would not, and that he did not. However, he could not see the difference between the course which ought to be pursued between one who had the government of a family in respect to religious instruction, and one who had a greater and a larger responsibility. He thought that there was no time at which, for all purposes, it was more necessary to enforce public as well as private morality. He was sure that his right hon. Friend must desire to hold in public every course of action which he maintained in his private character. Now his right hon. Friend proposed to establish three Colleges in Ireland. The whole proposal seemed to be that all their instruction should be based upon this world, and without any instructions which could make the students better prepared for the world hereafter. All which the State provided for them—all which the State thought necessary for them—all which the State thought it to be its duty to secure for them—had reference to this world only. The State regarded them not as immortal beings, but as creatures of a day. The State regarded them not as accountable to their Maker. It was a gigantic scheme of Godless education. Nothing, he thought, was more calculated to promote such a Godless scheme of education, than the measure now before the House. The effect of the statement of his right hon. Friend was that religious instruction was to be altogether excluded. There was some talk about the establishment of a professorship of moral philosophy; but what was the advan-

tage of that unless the teaching were to be founded on the great basis of religious truth? What was the strength and efficacy of any moral lesson, except traced up to the word and will of God? He would consent to no education founded on any other principle. As to the places where the converse was to prevail, if it were to prevail, he was indifferent; and, therefore, as to the particular application of this Bill to different localities, this did not appear to him to be a matter of the least importance. It was for others to consider that. For himself, it appeared a matter quite unimportant in what locality those Colleges should be placed. But he was sure that his right hon. Friend the Member for the University of Dublin must have listened with great suspicion to the plaudits with which parts of the scheme of the Government had been received by hon. Members opposite. He was sure that he must have listened with alarm to the exposition of a measure which tended to shake the Protestant influence in that University. He contended that that University had always been declared to be a Protestant institution—that it was founded by Protestant money—and that it had been instituted for the education of persons connected with the Protestant Church. The opinion of Mr. O'Connell had been quoted in defence of the integrity of that Protestant University of Dublin; but when it was so quoted, he had heard the right hon. Member for Dungarvon express, in a very loud whisper, that "that evidence had been given many years ago." Now, the meaning of this was, that because the opinions alluded to had been expressed many years ago, they were not to be binding now. He admitted that opinions might and ought to change. But he thought that the opinion quoted of Mr. O'Connell, was not merely an opinion, but a principle, and a profession of faith. He thought that the opinion amounted to just as much as if he were to say, "You shall have a certain thing—you shall have a certain right, or, possessing that right, I shall not attempt to deprive you of it." Recollecting, then, not merely some passages in the present debate, but also the statement of the right hon. Member for Dungarvon at the beginning of the Session, that the Roman Catholics considered it to be a point of honour to gain admission to the foundation of Trinity College, Dublin, he felt the danger, which, as a consequence of the present measure, might affect that institution: but his objection to this measure was still more strongly direct. He objected to the plan proposed by his right hon. Friend, principally on the ground that it excluded religious instruction from the Colleges. The proposed institution would bring together five or six thousand young men; and he would ask was it right that, being so brought together by the State, they should be left by the State without the means of religious instruction? He believed that this measure was supported by many who had heretofore reprobated the principle of supporting institutions for education apart from religious instruction. He recollected a time when those who had introduced this measure would have been the last persons expected to bring it forward. Now, what had been said of the objections applicable to the University of London was still stronger when applied to bodies in the condition of those which it was proposed to establish. Entertaining the opinions which he did, he never could give his consent to a measure like the present—involving such principles, and leading to such results. He believed that the measure now proposed was inconsistent with the practice of all Christian nations; and inconsistent, at all events, with what had hitherto been the practice of this Christian nation. Until this time, they in this House never had been called upon to support any institution in which not only was religious instruction not supported, but from which religious instruction was to be excluded. All this he collected too surely from the speech of his right hon. Friend (Sir J. Graham) and the debate which had followed. Still, as the mere words of the Motion did not express the principle of excluding religious instruction, he did not feel bound to divide the House against the Motion of his right hon. Friend. However, if any hon. Members concurred with him in opposing the proposition, he would join with them in voting against it. He had felt anxious to express his strongest opposition to the proposed measure; and if no other voice said no, he would enter his protest against the measure.

Mr. *Sheil:* The hon. Baronet the Member for the University of Oxford had characterized the measure of the Government as "a gigantic scheme of Godless education;" but the hon. Baronet seemed to condemn the scheme, not so much because no religion was to be taught, as because the creed of the Church of England was not the object of exclusive inculcation. The state-

ments of the Secretary for the Home Department, in which he had referred to the disastrous failure of every attempt made in Ireland to propagate education upon the exclusive principles of the Church of England, should have convinced the hon. Baronet, that in those experiments it was perfectly useless to persist. The hon. Member's chief objection to the plan was, that it was not connected with the religion of the State. He went so far as to say, that it was the first example of a plan of education being supported by the State, without the inculcation of the religion in the State. Was not the existence of the present national system of education in Ireland an instance to the contrary?—the system proposed by his right hon. Friend the Member for Waterford, to whom the whole of the original design belonged—though he must say that he never heard a Minister of the Crown make that admission except on this occasion. The whole of the plan introduced by Lord Stanley, when the noble Lord and the right hon. Baronet were associated in office, was borrowed from the valuable suggestions of his right hon. Friend, whose reward was confined to his own consciousness—a reward of the highest order of remuneration. With what justice could the hon. Baronet represent education unconnected with religion, and supported by the State, as unexampled? [Sir *R. Inglis:* Endowed.] Were they to dispute about terms in this manner? The hon. Gentleman, the Member for a great scholastic institution, was more disposed to indulge in subtleties than became a Gentleman who professed such unbending adherence to principle. The hon. Member had argued at length to show that a mere difference in amount was equivalent to one in principle. There was no real and substantial difference between a grant for one year, and a permanent endowment—of which one great advantage was, that it would put an end to the unfortunate controversies they all so much lamented. In one point of view he coincided with the hon. Baronet; he thought it was unfortunate that some means had not been devised, and he trusted that the ingenuity of the right hon. Baronet opposite would be exercised for the purpose of discovering means by which the reproach would be removed, that no religious instruction of any kind whatever was to be given. Their object, of course, was to make the measure acceptable to the great body of the people, and above all, to those who had so great influence with them—the Catholic priesthood of Ireland—to conciliate whose feelings they had lately proved themselves most anxious. He believed that the great body of the Roman Catholic priesthood would murmur if no means were adopted for the purpose of conveying any religious instruction whatsoever. His hon. Friend adverted to a suggestion of the right hon. Baronet, that hereafter individuals would be permitted to grant money for the purpose of instituting a chair of divinity, if they thought proper—that was leaving it to contingency. They would object to the plan of Ministers on that ground. He held a pamphlet, written by a gentleman of very high character, with whom he had the pleasure of being acquainted—a professor in the Roman Catholic College of Thurles, who enjoyed universal consideration, and, he believed, spoke the sentiments of the Roman Catholics. This writer said, they certainly would prefer a separate system of education, although there were great difficulties in the way. But then, he added, with a mixed system of education, religious instruction was perfectly compatible. He hoped they would excuse him for offering these suggestions. He was pointing out one imperfection which might be fatal. Religious instruction was given to the lower orders under the present system of national education in Ireland. They could surely afford facilities of a similar nature for the conveyance of religious education to the Roman Catholics and Protestants who might attend the proposed institutions. He thought they ought to make it imperative on every student who should belong to those establishments to attend some place of religious worship. They said they would not give money to support the separate system of religious education, and so much obloquy had been directed against Maynooth, that a similar storm might be expected, if they were to make the Roman Catholic religion taught in any one of them. But a middle course might be adopted. The Roman Catholic bishop would find means to give religious instruction to the students; it would be his duty to do so; and he (Mr. Sheil) only desired that the bishop should be enabled to do that. He was anxious that the plan should succeed; but there was much in it that was imperfect. They had done great mischief with respect to the Bequests Bill, by not consulting the Catholic bishops; they had consulted them

on the Maynooth plan, at his recommendation, and they had succeeded, he believed, with the entire of the Catholic hierarchy. He warned them that they must obtain the support of the bishops, for the purpose of effecting the objects they had in view. He could not help adverting to the intimations given by the right hon. Gentleman the Member for the University of Dublin. The right hon. Gentleman had not told them whether those gratuities of which he had spoken were to be appropriated by the University of Dublin. He referred to an Act of 1793, by which the fellowships were reserved exclusively for Protestants; but there was a very important section of that Act to which he did not direct the attention of the House. That section provided that there might be another college connected with the University of Dublin. The University of Dublin and Trinity College were quite distinct. There was only one college at present; but the Act of 1793 contemplated another college to be connected with Trinity College. In 1793 the Roman Catholics enjoyed less authority than now, and yet even then it was felt that they should have access to academical honours, and by having a college of their own be placed in conjunction with Trinity College. He thought it would be well to look into that clause, and carry out the policy which the Government contemplated in 1793. For his own part, he always thought, and still continued to think, that the opening of Trinity College, Dublin, was of great national importance in a political point of view, in order to conciliate the great masses of the people, and also with a view to carry out that system of conciliation which had been commenced. Reference had been made to the evidence given by his hon. and learned Friend Mr. O'Connell before a Committee of the House of Commons many years ago. The circumstances under which that evidence was given were these. At that time there was a proposal made to the Roman Catholics, that upon certain conditions Catholic Emancipation should be granted. It was proposed, among other things, that the Catholic clergy should be endowed. The proposition was of most signal importance in reference to this great question. If the Catholic clergy had been endowed, a provision of 400,000*l.* or 500,000*l.* would have been granted. Such was the proposal made by Lord F. Egerton. If that scheme had been carried into effect, Trinity College would have been allowed to remain undisturbed. "But," said the right hon. Gentleman, "the proposal was rejected by you. When you rejected the terms of the Treaty then tendered to you, it was not reasonable that, after a lapse of twenty years, you should refer to what was only conditionally offered on our part. You never entered into any terms with us till 1829, and then the right hon. Baronet (Sir Robert Peel) said that the measure of that year was proposed without any conditions on his part, and certainly without any condition on ours. It was, therefore, not legitimate to go back to propositions made before that measure was proposed, and especially when those propositions were made under certain stipulations." They thought it not consistent with justice or policy to open Trinity College. He (Mr. Sheil) thought it was not consistent with justice or policy to close it. They would leave it in the enjoyment of a permanent revenue. Trinity College possessed vast territories. It had 300,000 Irish acres. There were many valuable fellowships, each worth 2,000*l.* a year, besides the great social position which a fellowship conferred. From the talent required to attain a fellowship, and from their possessing the power of returning two Members to Parliament, Trinity College must always enjoy a paramount superiority over every other institution. As long as that predominance lasted, so long they could not expect the Catholic people would be reconciled to that establishment. He knew that they would tell him that the interest of the Protestant Establishment required the exclusion of the Roman Catholics from the honours of that College. Thus they were ever met with the Establishment. It was not the Government who opposed them, but it was the Establishment. The right hon. Gentleman (Sir R. Peel) had said that Ireland was his difficulty. It was not Ireland; it was the Establishment. It was that which encountered him at every step, because he could not propose any measure without diminishing the wealth of that Establishment. Could he not then take a middle course? The fellowships might be called sacerdotal, and, therefore, could not be dealt with; but there was another class, namely, scholarships, which were open to a new arrangement. There were seventy scholarships in Trinity College. To obtain such a step as a scholarship would be of great importance to a Roman Catholic who entered Trinity College with a

view to make his way in life. "What connexion," said the right hon. Gentleman, "had these lay fellowships, or scholars, with ecclesiastical matters? You admit the Roman Catholic to the University. You say he has all the advantages of Trinity College. He would reply, he has not; he has not the golden fruits that grow upon the tree of knowledge. He has not the full enjoyment of the College; he ought not to have been admitted there, or when let in, he ought to have had the full enjoyment of all its benefits. It was a system of the worst and the oldest times. At present the only advantage a Roman Catholic had was to be admitted a sizer. After the lapse of two years he might become a candidate for a scholarship, but to do so he must relinquish his religion. What a temptation! How shameful it was that in your University you should have this wretched decoy to apostacy! If they left Trinity College as it now stood, they would leave a memorial of ascendancy. What he wanted was perfect equality between Roman Catholic and Protestant; but that perfect equality could not be obtained without making the change in the establishment of Trinity College which had been suggested.

Sir *R. Peel:* Mr. Speaker—Sir, the right hon. Gentleman has not, either by his speech or by the course he seems prepared to take on this occasion, removed the impression under which I spoke in 1835, when I said that the chief difficulty of my Government would be found in Ireland. The right hon. Member has certainly not done anything to remove the impression, when he tells us he is prepared to combine with the hon. Baronet the Member for Oxford University in opposition, on principle, to a measure which I believe calculated to advance the moral, social, and physical welfare of the people of Ireland. Now, addressing myself, in the first place, to the observations made by my hon. Friend the Member for the University of Oxford, I put the simple but solemn question, What is the condition of Ireland with regard to educational institutions? You have provided ample means for the education of the very poorest classes in Ireland, and, as my right hon. Friend the Home Secretary has told you, you have contrived to give a moral and religious education to above 400,000 of the children of the poorer classes, uniting, in many schools, Roman Catholics and Protestants. But we find that in Ireland there is a great want of the means of academical instruction. In Scotland, with a population of scarcely more than one-third that of Ireland, there are five collegiate institutions, dispensing all the advantages of a perfect education to the children of the higher classes. But in Ireland, there are no such means of education for the middle classes in existence. There are two institutions affording secular and religious education—Trinity College, in Dublin, immediately connected with the Protestant Established Church, and providing religious instruction according to the forms of the Established Church; and the College of Maynooth, whose operations are practically confined to the education of the Roman Catholic priesthood. But in no other instances do the means exist, in Ireland, of providing academical instruction in institutions patronized and encouraged by the State. We propose to supply those means. We have to deal with a country the great majority of whose inhabitants are Roman Catholics—persons not in communion with the Established Church; and we propose to give the youth of all persuasions the means of meeting together and joining in honourable rivalry in academical education. How can we do this? We propose to establish three Colleges in different parts of the country. In the north, no College can possibly be established, the benefits of which will not mainly flow to the youth of the Presbyterian persuasion; and in the south and west, any such institutions must be practically for the benefit of the Roman Catholics. My hon. Friend says, he objects to this measure, because I do not propose to make religious education a necessary part of the course of instruction to be given in these new Colleges. Why, if you make it so in the sense which my hon. Friend means, you will make it utterly impossible to give academical instruction in Ireland. Now, I agree with my hon. Friend upon the necessity and justice of maintaining the Established Church, and of maintaining Trinity College as a Protestant University. But I cannot concur with him as to the policy or justice of laying down the rule, that no opportunity should be given by the State for the education of the Roman Catholic youth of Ireland. If you will attach to any system of academical education in that country the necessity of

theological education in the doctrines of the Protestant Church, the attempt to found these new institutions will be vain and fallacious. The new Colleges in the west and south will, I repeat, conduce chiefly to the benefit of Roman Catholics; but I do earnestly hope that Protestants will resort there, and will be united in education with their Roman Catholic fellow countrymen. But our intention being to afford them these advantages and opportunities, my hon. Friend asks me why we do not supply theological education also? Now, here I may say my hon. Friend scarcely acts with consistency. When we propose a grant to Maynooth, for the purpose of supplying such education, my hon. Friend opposes it, and says that we are acting contrary to the principles of our faith, and the will of our Maker. But now, when we propose founding institutions on a different system, to supply laymen with the means of liberal education without enforcing religious instruction, my hon. Friend, and those who were most eager in opposing the increased grant for the instruction of the Roman Catholic priests, turn round and charge us with infidelity and atheism, because we abstain from introducing a system of theological instruction. Now, we do not wish to banish religious instruction from these Colleges: we attach, on the contrary, the utmost importance to it. But we earnestly hope that the natural protectors of youth, their parents and guardians, will take care that they are imbued in the doctrines of Christianity according to the faiths in which they have been severally brought up. I regretted to hear the right hon. Gentleman (Mr. Sheil) say, that we ought to have consulted the Roman Catholic prelates of Ireland before we proposed to found these institutions. Why, Sir, we did so when we were making a proposition for a grant to a Roman Catholic institution. The right hon. Gentleman said, that we had consulted these personages with respect to the Maynooth grant, and had gained their assent to our plan; but that we had not consulted them now, and that, therefore, our measure was certain to fail of its object. Now, I do think, that if we had consulted the Roman Catholic prelates, it would have been incumbent on us also to consult the prelates of the Established Church; and I venture to say, that if we had done this, it would have been utterly impossible to establish any scheme of academical education. We find in the south and west, in the neighbourhoods of Cork, Galway, and Limerick, no means of academical education existing. We say that we will provide the means—that we will found professorships in various walks of science, in literature, chemistry, &c., and we will provide the means of attendance at an excellent medical school. Now, if we endow a theological professor, my hon. Friend the Member for the University of Oxford will tell us that we must endow one exclusively to teach the doctrines of the Protestant Church. But I apprehend, Sir, that the Roman Catholics of Ireland, perceiving the endowment of a Protestant professor in a Roman Catholic part of that country, would require, as a condition of the attendance of their youth at the institutions, at least the additional endowment of a Roman Catholic professor of theology. Sir, I doubt much that such arrangement would be for the advantage of either religion. But, at the same time, we profess our willingness to consult in every particular the wishes of parents and guardians—of the natural protectors of the young people. We will provide apartments in which youth may receive instruction from professors of divinity — from clergymen connected with the religion of each pupil—imposing on no one any compulsion of attending at these lectures, but giving every facility for attending religious lectures according to the wishes of parents and natural protectors of the youth. We attach the utmost importance to regular attendance at places of worship; but we will attach no place of worship to the institutions themselves. But this must be observed, that we do not intend to receive the pupils within the walls of the new Colleges. No domestic and complete charge is to be taken of them, such as is taken in the Universities of Oxford and Cambridge. The pupils will lodge in the town, at their parents' or guardians' houses; or, if these be at a distance, with persons to whose care their natural protectors shall commit them. We trust that the greatest care will be taken of them; but, circumstanced as the people of Ireland are, with the great body of the people dissenting from the doctrines of the established religion, it would be in vain to establish these academical institutions, if we attempted to impose obligations to

attend places of religious worship. So far, however, as professors, or teachers voluntarily endowed, may be concerned, we are determined to afford them every facility. We will require no religious test from the professor—we will impose none on the pupil; but I cannot believe that we can enforce religious teaching or attendance without violating principles which I believe to be beneficial. Do not consider that parents will be indifferent to the great objects of religion. Consider that in these new Colleges we will not exercise the same discipline over the youth that is exercised in the great Universities, where the students are received within the walls of the institution. Now, Sir, I do feel it hard, that when bringing forward this Motion, we should be met by my hon. Friend (Sir R. H. Inglis) with the assertion that we are proposing a gigantic scheme of Godless education. I will prove to my hon. Friend that for the last twenty years—indeed, ever since he has been in Parliament—he has been a party to the public pecuniary support of a system founded precisely on the principles of that which he is now denouncing. An institution on the voluntary principle was founded some years ago in Belfast. It originated in a feeling on the part of the inhabitants that the Dublin University was too remote from them; and at a public meeting of the merchants and principal inhabitants, the foundation of the institution was determined on. The religious difficulty, and the question whether the education was to be exclusively secular or not, were taken fully into consideration. It was found that the attempt to enforce attendance at divinity lectures would be fatal to the whole project. It was therefore determined to found lectureships on subjects connected with science, on agriculture, manufactures, and arts; at which persons wishing to acquire information on these subjects might receive instruction, without having received the rudiments of a liberal education. Were the men who took part in this arrangement irreligious men? No. So deeply were the Protestants of Ireland convinced of the benefits that would accrue from such an institution—so convinced were they that the arrangement was required by the constitution of society in that country, that his Grace the Primate of Ireland, the Marquesses of Donegal and Downshire, the Bishop of Down and Connor, and the Bishop of Dromore consented to become subscribers and visitors to the institution. This occurred about thirty years ago. Now, seeing what was then done by men who were ornaments of the Protestant Church, shall we now, after the removal of religious disabilities, and the establishment of perfect equality, object to a system similar to that which then received the sanction of the bishops of the Church? Shall we be told that in establishing institutions with exactly the same purpose, we are encouraging infidelity, and patronizing godless education? [Sir *R. Inglis:* The Belfast institution is altogether a voluntary one.] My hon. Friend means to imply that no Act of Parliament has passed for the regular establishment of the institution. But I tell my hon. Friend that the reverse is the fact. In 1810 an Act passed, distinctly incorporating the institution, and appointing the very parties I have named to be visitors and to take active part in its superintendence. My hon. Friend will be called on this year to vote 2,500*l.* towards this institution. [Sir *R. Inglis:* Does my right hon. Friend know that I shall support the vote?] Whatever my hon. Friend may do this year, he last year, and for twenty years before, gave his vote and his support to a pecuniary grant to the institution in question. It is true that the Presbyterian body appoint four divinity professors, each of whom receives an allowance from the Parliamentary grant. But in places where the majority of the inhabitants are not in communion with the Established Church, we have been compelled to adapt our arrangements to varying circumstances, and to relax from the rule we adopt in England, where most persons are members of the Established religion. This step was, therefore, taken with respect to the Belfast institution; and we ask you to give the inhabitants of the south and west of Ireland, something similar to that which you have given to the Presbyterians of the north, and what we ourselves already enjoy. We intend to improve the means of academical instruction for the youth of Ireland; but this intention you would nullify by making the reception of religious instruction according to the Established Church a necessary condition of education at the institutions we propose to erect. Contemplating the advantages that will probably arise from these institutions, if they are cordially

supported by men of all parties, I am tempted to ask how can it interfere with religion to promote science and scholarship—to make men good mathematicians, good chemists, good astronomers—to instruct them to admire the power and beneficence of the great Creator, by expanding their minds with the knowledge of his wonderful works? My firm belief is, that you have a better security for religious instruction in the sense of duty and obligation on the part of the parents of youth, than in any system of compulsion that you can devise. If you found these Colleges on the plan we propose, I trust that we shall have established, as far as circumstances will permit, a perfect system of secular education. We shall reap the benefit of this. We shall promote social concord between the youth of different religious persuasions, who, meeting to receive the advantages of joint education, will unite in honourable rivalry, and who, hitherto too much estranged by religious differences, will acquire new means of creating and interchanging mutual esteem. I sincerely believe that, as well as receiving temporal advantage, so far from preventing any advantages with respect to Christianity, the more successfully will you labour to make men good Christians the more they are imbued with that great principle of our faith—a principle which, I am grieved to say, many individuals are too apt to forget—the principle, I mean of reciprocal charity. By cultivating that principle you will better serve the cause of true religion, and of peace, morality, and social comfort and concord in Ireland, than by leaving her inhabitants in division and ignorance, in the vain hope that by so doing you are promoting your own religious principles.

Mr. *Sheil* said, in explanation, that the purport of his observation respecting consulting the Roman Catholic clergy of Ireland was, that all means ought to be taken to secure their support and co-operation. He was gratified to hear that apartments were to be allocated for lectures in divinity; and the fact that the students were not to be domiciled within the walls of the institution made an essential difference in the weight of the objections which, under a different impression, he had taken to some of the provisions of the new measures.

Mr. *Shaw* said, that on so important a question relating to Ireland, and as such frequent reference had been made to the University which he had the honour to represent, he must beg to say a few words before the discussion ended. He could not say that he approved of a measure which, establishing three colleges for the education of the youth of Ireland, made no provision for their religious instruction; but, seeing all the difficulties of that part of the question, and that any interference with Trinity College, Dublin, was to be studiously avoided, he should make no objection to the introduction of the Bill. He concurred in the opinion given by some hon. Gentlemen on the other side of the House, that, practically, these seminaries would afford facilities to the middling classes for an improved education; but he doubted much whether that would be what could be properly called an academical education. At Belfast the pupils would probably be principally Presbyterian; and at Cork and Galway principally Roman Catholic; but he (Mr. Shaw) believed that the Protestant gentry, and indeed he would add, the gentry of all creeds in Ireland, would still continue to send their sons to graduate in the University of Dublin—probably, also, some of the most distinguished scholars from the new institutions would find their way there; but he agreed with the hon. Member for Belfast (Mr. Ross), that to oblige the pupils to repair to a distant University for degrees, would be rather an oppressive inconvenience than an advantage to them; and for the higher branches of learning and degrees, he apprehended that the present University of Dublin would be found sufficient for the real demands of the country. In fact, as it was, the different professions could scarcely find room for the great number of young men who already graduated there. As regarded the most important instruction of all, that in religion, while he was not blind to the difficulties of that part of the subject, he could not be satisfied with the plan proposed by the Government; and when his right hon. Friend (Sir R. Peel), in answer to the objections of his hon. Friend the Member for the University of Oxford (Sir R. Inglis), urged upon the House the humanizing and softening influences of the arts, and sciences, and literature upon the mind of man independently of religion — that argument surely would go further than his righ hon. Friend would for one moment be inclined to press it—for it might be applied to every educational institution in the

United Kingdom, should it be proposed to deprive them of the blessing of religious care and superintendence. Even in the University of Dublin, so far as related to Roman Catholics, and Dissenters from the Established Church, he viewed the arrangement, while admitting it to be one of necessity, still as by no means satisfactory in respect of their religious instruction. But then, that was the exception in the case of the University of Dublin; and the rule was that instruction in the tenets of the Established Church was provided for all the pupils, but insisted upon only where they were members of that Church. That religion and that only, however, was taught in the University of Dublin; and, therefore, their system could neither be charged with omitting to teach what they believed to be the true religion, nor with teaching what they believed to be erroneous. He protested in the strongest manner against the claims put forward by the right hon. Gentleman the Member for Dungarvon (Mr. Sheil) to open, as the right hon. Gentleman called it—but to subvert, as he insisted it would be, the foundation of Dublin College; and he would earnestly call the attention of those who were then granting such large concessions, to the unreasonable and encroaching spirit in which they were received. The University of Dublin was founded by a Protestant Sovereign, and endowed by Protestants, for the express purpose of educating a priesthood for the service of the Protestant Established Church in Ireland; and yet, while that institution was now as free for all the purposes of education, to Roman Catholics as to Protestants, the right hon. Gentleman ventured to declare in that House, that it was an insult to the Roman Catholics of Ireland not to be admitted to the governing body—who must not only be members, but (with exceptions scarcely worth mentioning) clergymen of the Established Church, and one of whose principal duties was a proper distribution of the benefices of the Established Church belonging to the College. Even Mr. O'Connell, in his evidence quoted by the right hon. Baronet who introduced the measure, repudiated the notion of Roman Catholics desiring to have the lower department of the foundation — the scholarships — open to them; but the right hon. Gentleman (Mr. Sheil) now said that was a long time ago, and that an endowment for the Roman Catholic priests was then contemplated—not, surely, by Mr. O'Connell, whose opinion was the point in question; and the reasons that Gentleman assigned were equally cogent at the present moment. The right hon. Gentleman (Mr. Sheil) had confounded professorships with fellowships; for there were eight professorships to which Roman Catholics were eligible. [Mr. *Sheil*; No.] Yes, but there were, and he would name them. They were of Civil Law, Feudal and English Law, Physic, Astronomy, French and German, Italian and Spanish, and Political Economy; and one of them was at the present time held by a Roman Catholic. Then, all the degrees, honours, and emoluments of the under-graduate course were open to the Roman Catholics. [Mr. *M. J. O'Connell*: What emoluments?] Why, sizerships, prizes, and the exhibitions of the various Royal and other public schools, many of which were held by Roman Catholics. Had that been the fitting opportunity, he would have been glad to have referred to some of the statements in the earlier part of the speech of the right hon. Baronet (Sir James Graham), relating to the system of national education in Ireland. Suffice it for the present to say, that the opinions of the prelates, quoted by the right hon. Baronet (Sir James Graham) would be found consistent with their opposition to that system; that when the right hon. Baronet spoke of the exclusive systems of education that had prevailed in Ireland, he had altogether passed by the Kildare-place Society, which was not founded upon any exclusive system, but upon the broad, sound basis of the Scriptures alone—a system that he verily believed was successful, and would have succeeded further, had the Government permitted it—a system which had made a nearer approximation to a general united education than had been made before or since; for, though there were both Protestants and Roman Catholic pupils now in the schools of the National Board, he denied that they were receiving what could be truly called united education, for they were not in the same schools. On the contrary, he believed that in a large proportion of the schools, the printed rules of the Board were virtually violated, and that the Presbyterian schools of the north, in connexion with the Board, were conducted generally on as exclusively Presbyterian principles as they had been before they joined it. For the reasons he had stated,

he would offer no opposition to the present stage of the measure proposed by the Government; and although he did not expect it would ever meet his entire approval, he was not then prepared to pledge himself to any future opposition to it.

Mr. *Warburton* was a member of the Senate of London University, and as much had been said, through ignorance in respect to that institution, he should call their attention to some circumstances relating to it. There were various schools and colleges spread over the Empire which were in connexion with it. There were no less than five Roman Catholic Colleges connected with it—one in Carlow, one in Stonyhurst, one in Oscott, and two in other parts of the country. They oversee the education of the pupils, who afterwards offered themselves as candidates for degrees. There were Baptist Colleges, and Unitarian Colleges — they had King's College, and University College. The heads of these superintended the religious instruction of the pupils who were entrusted to their care. These were the materials out of which the pupils were formed, who subsequently offered themselves as candidates for degrees in the University. There was a provision in their charter which stated, that the object of creating the University was to provide for the opening of academical honours to all classes of Her Majesty's subjects without any exception whatever. The governing body were the individuals who carried out the intentions of his late Majesty. He had sitting with him in the senate the Bishop of Durham and the Bishop of Chester. The late Bishop of Chichester was also a member of that body, who had formerly been a tutor in one of the Colleges of Cambridge. Provision was made for the examination of the students in the Gospels and Scripture history. He hoped that they would hear no more of allegations that this was a godless institution, in which religion was altogether neglected. In the University College they had Coward College, which was founded by Baptists, to superintend the religious instruction of the youth of that religious persuasion. The right hon. Gentleman the Member for the Dublin University stated, that in Trinity College they did not require any of the students but those of the Protestant religion to attend their place of worship—that they did not undertake to superintend the religious instruction of the pupils. Why, then, were the new institutions that were proposed to be established condemned for not including religion in their instruction, when the identical regulations which they proposed were the same as those in Trinity College, Dublin? He did not know whether it was contemplated to place these Colleges ultimately in connexion with the Dublin University; but he hoped that in this respect they would follow the example of the London University. If, however, this union could not be accomplished, he hoped that the Government would not delay the period for the erection of another University in Dublin, which, like that of London, would admit all persons, without distinction of sect, to honorary degrees. Was it to be supposed that these institutions could thrive unless the patronage of the country was thrown open to them? They must break down the system if they wished the new Universities to flourish, by opening secular rewards to all who might earn distinction in them. He approved of the Government proposal as far as it went.

Mr. *Plumptre* objected to the proposed institution, not because parties would not be incidentally directed to religious instruction, but that there would be no religious instruction under their roof. He confessed that was to him the great fault of the proposed plan. He knew there were difficulties in the way, but he felt that no institution should be founded by a Christian Government which did not recognise Christianity. Allusion had been made to the London University; but he would beg to remind the House that that great and good man, the late Dr. Arnold, who was at one time in connexion with the London University, found it necessary, from conscientious principle, to withdraw from that University because it did not recognise Christianity. It was not his intention to occupy the time of the House; but he could not allow the first step in this measure to be taken without stating the grounds on which he should think it his duty to give it his opposition.

Mr. *M. J. O'Connell,* as one who had pursued his studies in the Dublin University, begged leave to set the right hon. Member for that University right as to some matters of fact. The right hon. Member's misapprehension was to be ac-

counted for by the fact that he had not had the advantage of studying in the University which he represented. The right hon. Baronet the Secretary of State for the Home Department had admitted that Ireland was still in an anomalous state, and in an anomalous state it must remain as long as the Roman Catholic portion of it was excluded from the advantages of the University as at present. He knew perfectly well that as regarded the scholarships and fellowships, even those not connected with the Established Church, he and his fellows felt that, although they were in the University, they were not of the University. He knew also that however they might have been intended for the Church, not one half of the scholars of his time entered it, most of them having gone to the bar. He besought the Government in making this, which he freely acknowledged to be a gracious concession, to leave nothing behind to be removed when some other little black cloud should appear. There was much in the plan deserving approbation; the minor points they would have an opportunity of considering when the Bill should be printed. He hailed with satisfaction a system which would secure instruction for the youth of Ireland, whatever their persuasion; and his hope was, that the institution to be founded would neither be exclusively Roman Catholic in Cork and Galway, nor in the north of Ireland altogether Presbyterian. By keeping these Colleges separate from those already established, a prejudice would be raised there against them, and they would be looked upon as provincial establishments, as institutions of modern date and wanting in gentility, and the result would be, that the pupils would be sent to finish their education elsewhere. It was of the utmost importance to encourage emulation with the view of elevating the general character of education in Ireland, which was inferior to that of Cambridge—with Oxford he was unacquainted.

Mr. *Lefroy* had not intended to express any opinion upon the Bill introduced that night by Her Majesty's Government at its present stage; and he was only induced to do so in consequence of the line of argument and the religious view of the question which had been taken by his hon. Friend the Member for the University of Oxford. In consequence of the observations made by his hon. Friend, as well as some other Gentlemen on the other side of the House, with respect to the value of the connexion of religious with general instruction, he felt he could not remain silent, lest he should appear to undervalue these sentiments, in case he did not oppose this Bill in its future stages. The votes which he had uniformly given in the House during the many years he had been in Parliament, sufficiently proved his value for the Church Establishment, and the importance of maintaining its connexion with education in Ireland; and he had no less distinctly recorded his opinion that no general system of education could be profitable for the people of that country which was not founded upon religious truth; but the present question appeared to him in rather a different point of view, inasmuch as these academical institutions were intended for a different class, both as to position and age, from children partaking of the national system of education. He thought that the parents and guardians of those who would be fitted to attend the academical institutions were responsible for religious truth being properly imparted to those who belonged to such institutions; whilst, from their age and position, much responsibility would also rest upon the scholars themselves. It was evident that the only choice for these institutions was between a system involving different religious opinions and creeds, or one such as the present, where perfect facility was given for religious instruction, without enforcing doctrines which might be objectionable upon any. He and many other Members founded his chief objection to the Maynooth grant upon the doctrines taught in that institution being contrary to the truth. He also admitted that much of the objection to the national system of education in Ireland was, that much error was mixed up with something that was good. On this view of the subject, he felt inclined not to oppose the present Bill, whilst he would reserve to himself the full right of acting as he might think best in its future stages. With respect to the observations made by the right hon. Member for Dungarvon, as to the opening of the University of Dublin, he heard with peculiar satisfaction the determination expressed by Her Majesty's Government to support that University in all her rights, privileges, and property. He thought the right hon. Secretary for the Home Department supported that Univer-

sity on the true grounds, viz., that it was founded by a Protestant Queen for the education of a Protestant clergy. He would vote not only for the education of the clergy, but for the advancement and maintenance of the Protestant religion in Ireland. It, therefore, surprised him that, this being admitted—and it was not denied by the hon. Member for Dungarvon—that he should allude to the incomes of the fellows or of the scholars, as derived from that University; for, be they more or less, it made no difference—they belonged to them as members of a University founded for the specific purpose of maintaining the Protestant faith in that country. Whilst, then, he rejoiced to see Trinity College maintained in all her integrity, he should be glad, as far as was consistent, to supply to those who differed from him in religious views, the means of such general instruction as those academical institutions would afford.

Mr. *A. B. Hope* was anxious to address to the House a few words; the rather as he had not expressed, and did not intend to express his sentiments on what he might call the main question, of which this was only a branch, the Maynooth Bill. Without going into the arguments on that subject, he might say that he did not think any principle was involved in the difference between the present or the former grants. But the present course taken by Her Majesty's Government was to introduce a perfectly new system. The House of Commons was called upon to adopt a new system for the first time. The Universities of London and of Durham had been founded by royal charter; but now the Members of Her Majesty's Government—the Conservative Government—who he did not think had, in 1835, either individually or as a body, showed any favourable feeling towards the London University—now they were coming before Parliament and asking them to sanction two Universities in Ireland upon the same lax system as the University of London. This was the first time that Parliament had been called upon to sanction this system either in England or in Ireland. He wished to see Trinity College, Dublin, extended by the addition of three Colleges; but they should be homogeneous and Protestant in their character, or they would be dangerous to the stability of that ancient establishment. Without entering into the subject of the opposition to the Maynooth grant, he did not see that there was that inconsistency which the right hon. Baronet at the head of the Government complained of in those who were opposed to the present measure. They opposed the former, because it was for the purpose of propagating a religion repugnant to their feelings; while they opposed the latter because it taught no religion at all. On the latter ground he also entertained the greatest repugnance to it. However, if Her Majesty's Government had come to the conclusion that it was necessary to make the munificent grant proposed to Ireland, he would implore them to look also to other portions of Her Majesty's dominions who were equally in want of religious and secular instruction for the people. Let them grant 45,000*l.* a year to Ireland, therefore, if they would; but let them also grant 4,500*l.* to the churchmen of Wales, for the retention of their ancient bishopric.

Mr. *Roebuck* understood the proposal of the right hon. Baronet to be part of a large system for the conciliation of Ireland, of which a portion had been brought before the House and discussed in reference to the Maynooth grant, and another portion had been brought forward that night. He had hoped that it would have been larger in its scope, and more conclusive as regarded the future. A Protestant University existed in Trinity College, Dublin; the State had endowed a Roman Catholic College by the grant to Maynooth; then, for the further education of the laity of Ireland, without reference to religious differences, they were to have these three new Colleges. Trinity College, Dublin, was instituted by a Protestant, for Protestant purposes, with Protestant money. That being the case, he did not think that, in justice or in accordance with their own principles, the Irish Members should be anxious to make any inroad on that establishment. That should be left in its integrity just as Roman Catholics had preserved to them the integrity of Maynooth. Then an endeavour was to be made, by three other Colleges, to embrace all other sects; so far the scheme seemed to be comprehensive; but it wanted this one conclusive provision—unless they made some definite provision for them as a University, they would leave open the sore they were endeavouring to heal. But there seemed a fatality in all matters connected with Ire-

land: when any plan of education for that country was proposed, they found the hon. Member for the University of Oxford (Sir R. Inglis), and the hon. Member for Kent (Mr. Plumptre), coming forward one after the other, and in a very subdued voice making use of expressions of the most bitter hostility and of the most severe condemnation. The hon. Baronet the Member for the University of Oxford had called the proposal "a gigantic scheme of godless education." He supposed the hon. Baronet meant something opprobrious by that term; he did not quite understand the words, but he gathered the meaning from the hon. Baronet's purpose. What did it mean? The plan must be looked at as a whole, embracing Trinity College and Maynooth, and, in connexion with Maynooth, all the other Colleges for the advancement of education in Ireland. It would appear from the term applied to the plan by the hon. Baronet, that something was to be taught under it that militated against all religion; if he did not mean that, he meant nothing. Trinity College was appropriated to the education of the priesthood of the Protestant Church; Maynooth to the education of Roman Catholic priests; the other three Colleges were for secular education. They had found that the latter could not be introduced in conjunction with any one system of religious teaching. If they did attempt it, up jumped the hon. Baronet the Member for the University of Oxford, and said, "You must teach my religion alone—I have infallibility—in my breast is the absorption of all the truth in the world; all who are not of my religion are in error, and you will commit a damnable sin if you teach any other religion but mine!" Then, again, the hon. Member for Dungarvon (Mr. Sheil) might get up and insist on having his religion taught—that he could have no mixing up or paltering with the truth. Now, what could the man do who had to deal with persons in this condition? Were the people to be left without any education at all. He would ask them soberly what was meant by teaching the physical sciences, or geometry, on religious principles? The professor of anatomy traced with the knife the fifth pair of nerves; he showed them to the students round the dissecting table; did they mean to say, because in the same room there was not given a lecture on the Thirty-nine Articles, because the professor did not subscribe those Articles, that he pursued the course of the fifth pair of nerves in a "godless" manner, that he was giving a "godless" education in anatomy? The professors of the Colleges would be paid by the State to teach certain things; if they attempted this teaching on any exclusive principle, they would fail. If the right hon. Baronet consulted the prelates of both sects on this question, the people would have no teaching at all. If any secular education was to be given, nothing could be done but on the principle adopted by the right hon. Baronet; and he hoped, that now the right hon. Baronet had for the first time been exposed to odium for adopting it, he would understand what had been sustained by those who had been impugned for advocating it for many years past, when they were assailed by all the power and authority of those who now sat on the other side of the House. He could tell them there was a strong necessity pressing on the present Ministry; a necessity that would press on every succeeding Ministry, and make them at last do justice to Ireland. That justice they could only do in one way—by making the whole population, in religious rights and privileges, perfectly equal. They must have no religious domination; and the time was not far distant when the Established Church, which stood in the way of every beneficial operation in Ireland, would be cut down to proper, moderate, and modest dimensions, and would effect far more good among the Protestant population than it did at present, and when its superfluous wealth would be used and appropriated to the purposes of general education. A large sum of money was about to be taken from the Consolidated Fund of England—and Ireland! Did Ireland pay the Income Tax? Did Ireland pay assessed taxes? Let them compare the returns of the two countries, and let Ireland receive any amount whatever, yet in the proportion it bore to the sum contributed to the Treasury that country might see the value of its connexion with England. Therefore he had a right, as an Englishman, to express his opinions and feelings on the subject; and he thought the right hon. Baronet had set a worthy example in the face of unfortunately strong prejudices in this country. He had been supported in his attempt by Gentlemen on this (the Opposition) side of the House, and he had ac-

knowledged he had been so supported. He (Mr. Roebuck) was not endeavouring to make their support in any way an obligation on the right hon. Baronet. He gave him his humble meed of unbounded admiration; for he saw in what the right hon. Baronet had encountered, in the bitter odium that had been cast upon him, what they on this side of the House had long suffered; and he would find that bigotry following him as long as he continued this course. But let him not be discouraged; if the right hon. Baronet maintained an upright and steadfast bearing, he might treat with scorn, and rate at their proper worth, all those unworthy imputations thrown on him by men who claimed infallibility, who could not suppose themselves to be in error, who believed they had the monopoly of truth, but who certainly did not possess a superabundance of charity. If not the outpourings of narrow bigotry, they were neither more nor less than the exhibitions of a sort of personal vanity, bound up with considerations of a time long past, when they possessed a power now about to fall from their hands, but to which they clung with all the tenacity that distinguished men who had domineered over others, and so long enjoyed that predominance as to fancy the great body of the people beneath them in every respect. That had been the principle in Ireland; the governing body there had so long enjoyed a supremacy, that, now they were struck down, they felt surprised at the strangeness of the circumstances about to befall them—still more surprised to find that the finishing blow came from the very party they themselves placed in power. He was glad to see it; he hoped the prosperity of all would now be the leading principle of the government of that country, and that it would add to the strength of the Empire, by making Ireland what it ought to be—a united portion of it.

Sir *H. W. Barron* combated the proposition that all the money for these grants came from the pockets of the people of England. Did not the Irish contribute about 5,000,000*l.* annually to the taxes? He hoped in future hon. Gentlemen would abstain from these taunts and allusions. He denied that the measure was unchristian in principle. It had been put into practice in Holland for the last fifty years; and where was there a more quiet, moral, and religious population than the population of that country? In the University of Haarlem there were one Jew, two Roman Catholics, and seven Protestant professors, and never did the slightest difference in religious points arise among them. At Vienna, within the last few years, the Emperor of Austria had endowed a theological Protestant chair. In fact, the weight of experience was against those who were opposed to this measure. He complained of hon. Gentlemen coming down to that House and assuming to be the sole arbiters of truth. The question, "What is truth?" had puzzled the wisest men from the days of Aristotle down to the hon. Member for Oxford. He trusted that the House would not be influenced by those hon. Members who declared that every man who did not happen to agree with them on certain points were in error, and who demanded that every College and institution should be founded and conducted on their exclusive principles. That plan had been long tried in Ireland, and had signally failed. He, therefore, rejoiced to find that Her Majesty's Ministers had at length found out the only way to govern the Irish people, so as to have their feelings in unison with the Government. He thought Her Majesty's Ministers had acted wisely in proposing this measure. He was satisfied that it would be received with gratitude in Ireland, and that it would ultimately work great benefit to the Irish poor as well as to the rich. No one thing was more necessary for the middle classes than academical instruction, of which no country in Europe was so destitute as Ireland: comparing her population with that of other nations of Europe, and the number of Universities they possessed, according to the proportion Ireland ought to have six Universities, or at least five. He promised the right hon. Baronet that he would support the measure, and give his hearty vote in his favour.

Mr. *Acland* thought the hon. and learned Member for Bath had very unjustly attacked the hon. Baronet the Member for Oxford. Nothing could be more misplaced and undeserved than his accusation that the hon. Baronet was influenced by a spirit of unkindness and personal vanity; it was most unfounded, not to say ludicrous. He did not regret the responsibility of having cheered that expression of the hon. Baronet, in which he described

this measure as a gigantic scheme of godless education; for though he did not adopt the entire expression, it represented a feeling which lay deep in his breast. He believed that the measure was honestly proposed; but he regretted to see that those who stood forth as the representatives in this country of its religious institutions, did not, in other public measures, recognise distinct religious principles. He wished that in the mode of bringing forward a measure which he believed to be just and expedient in the circumstances of Ireland, something less of bidding for the cheers of the opposite side, and of an assumption of liberalism, had been observable. He was ready to admit, however, that men ought to bend to meet the circumstances of the times in which they were placed. Previous to more consideration of the measure, he must say he had heard with satisfaction the sound views of education which had been laid down by various Roman Catholic Members who had spoken on the other side of the House. He was not prepared to say that this, or something very like it, might not be the only practical plan for meeting the difficulties of education in Ireland. He must, at the same, time express his concern that no provision was made for maintaining discipline over the students, without which these would be merely gigantic "lecture bazaars," to use a phrase of the great philosopher, Coleridge. He would rather see a great Roman Catholic College in the south of Ireland incorporated as an University than these institutions. He advocated the English system of Colleges, as standing in the place of parental control, and attributed to it the superiority of the English educational system over the Continental. He was not without hopes that in the details of the measure improvements might be made; and though he had been unwilling to let the occasion pass without expressing the feelings raised by some parts of the proposal, yet he would give it his most serious consideration, in the sincere hope that it might be made the means of effecting good to Ireland.

Viscount *Palmerston:* Sir, I cannot let the debate close without expressing the pleasure with which I have heard the scheme of the Government; and I feel bound to acknowledge, that the tone in which the measure has been proposed is entirely satisfactory. With respect to the arguments of the hon. Gentleman who spoke last, they seem to be somewhat at variance with one another. He says, he is ready to admit that every man ought to meet and bend to the circumstances of the times in which he finds himself placed; and yet he blames the Government for the tone of liberalism in which they have brought forward this measure, and says that they have adopted that tone for the mere purpose of obtaining cheers from this side of the House. Now, Sir, I have observed nothing in the manner in which this measure has been brought forward, that did not justly deserve the encouragement which the Government met with from this side of the House. Without entering, at present, into any discussion of the minute details of the measure, I will say, that it appears to me to be framed in a good spirit and with good sense, and to be adapted to improve the social condition of Ireland. It may be said, we ought not to do things for the purpose of conciliating those who differ from us in opinion; but, put that out of the question, and this measure must be considered a great boon, and as laying the foundation for social improvement in that country. The plan has been called "a gigantic scheme of godless education;" but I should like to know how any man who meant to educate the Irish people would have set about it with rational prospects of success in any other way? I assume that we mean to give education to a people who are split into sections of different religious opinions, and that we mean to educate youths of different opinions in the same College. The objection is, that there are no professors to teach theological opinions. Would you establish professors of one system of theology only? If so, there would be an end of mixed education. If you would establish a purely Protestant College, would you get Roman Catholics to go to it? Do you say the majority of those who repair to these Colleges will probably be Roman Catholics, and therefore Roman Catholic professors of theology shall be appointed? That would not conciliate the support of several hon. Gentlemen opposite, nor would it accomplish the object of having a mixed education, for the Protestants would not go. Would you have professors of both religions? That would not carry out the object of the endowment, which is, to cement the harmony between both sections. It would only lead to a civil war of theological doctrine in these Col-

leges, where you mean to lay the foundations of religious peace. Therefore, there is no alternative but the plan of Her Majesty's Government, that no professor should be established by the Government as teachers of one creed or the other; but that each party shall be at liberty to establish professors of their own, and that facilities shall be given them by granting the use of apartments for teaching persons of their respective tenets. I think that the plan now proposed by the Government affords all the advantages of education which can be obtained in Colleges not formed on the model of the Universities of Oxford and Cambridge, and consisting of buildings in which the student should be lodged and housed; and the expense of the other kind of foundation would have been such as Parliament assuredly would not have agreed to. Each system has its respective advantages, and I have had experience of both. I was three years at the University of Edinburgh, where the system of these Colleges is adopted, and I afterwards went to Cambridge, where the collegiate system prevails. There can be no doubt that the collegiate system admits of the greatest degree of discipline, but the other system is equally good for purposes of instruction; and almost all the Universities on the Continent are conducted upon that plan. But really, when we talk of these Colleges as places in which no religious instruction is to be given, and draw unfavourable contrasts between them and our English Universities in this respect, I would appeal to the right hon. Gentleman the Chancellor of the Exchequer, who was at Cambridge with me, to have the goodness to explain in detail to the House what was that particular kind of theological instruction which in our time was given to those undergraduates of the University of Cambridge who were privileged by the particular circumstances of their accidental birth, to take the degree of Master of Arts at the end of two years. I cannot speak with certainty as to what was the course of examination in the Senate House; but I believe that those who were not intended for holy orders were under no obligation to undergo theological examination for their degree; but I should wish the House to know what was that deep extent of theological instruction which was at that time given in the ordinary course of College lectures. It was next to none. Well, then, if that was so, at least in my time, at Cambridge, I do think it is taking too great a liberty with expressions to represent these Colleges, which in that respect would stand very much on the same footing as Cambridge—when I had the good fortune to be there, as institutions which ought to be censured on account of the students not being compelled to receive any particular theological instruction. I think, that in that respect the Government have adopted the only plan which is applicable to the peculiar circumstances of Ireland; and I hail that plan, first, as adapted to produce a great moral improvement amongst the middle classes of the Irish people; and, secondly, as laying the foundation for concord between persons of different religious opinions, and as being calculated thus to confer the greatest possible benefit on the Irish people. Sir, I agree entirely with those who consider this Bill as only a foundation which requires a superstructure in order to make the plan complete. It will be found absolutely necessary to establish some central point, probably in connexion with Trinity College, Dublin, which will combine these different Colleges into one University, and will, if possible, connect Trinity College with it as a component part. When I consider all the difficulties with which the arrangement of the details must be attended, I am far from blaming Her Majesty's Government for not having made that aggregate University a part of their present proposal; but, at the same time, I must say their measure will be incomplete if, sooner or later, they do not combine with it a larger arrangement of that nature. Sir, I have not only derived great pleasure from the tone and manner in which this plan has been proposed, but, in spite of the doctrines and opinions broached by some of those who have opposed it, I cannot fail to see in the general aspect of the House, and even in the general tone adopted by the opponents of this measure, an indication that the Bill will not meet with any very great resistance in its progress through the House. I think that a fortunate circumstance; because, after the resistance which the Maynooth Bill has met with—a resistance which, by the manner in which it has been made, is calculated undoubtedly to produce unpleasant feelings in the minds of Irish Catholics, it would be a matter of great regret if this measure, to which the same objections cannot in the same degree be felt even by those who are most sincere

in their dislike to the other Bill, should encounter any very considerable opposition. It may be pardonable for persons who are very sincere in what I must be allowed to consider their prejudices, to oppose the endowment of a College which is peculiarly destined to the education of Catholic priests; but, if the British House of Commons, or if the British people, were to express any strong and decided opposition to a measure which has for its object the education and instruction of the Catholic laity in Ireland, the effect upon the minds of the Irish people must be of a kind which it would be very inconvenient, and highly undesirable, that anything that passes in this House should produce. I can only repeat that whatever may have been said by hon. Members who sit on the other side of the House, there will be every disposition on the part of those who sit here to give the Government the most fair and earnest support during the progress of this measure; and I trust that no taunts which they may meet with from those of their own supporters who differ from them on this question, will deter them from receiving from us that support which will be given from a sincere desire to co-operate in any measure which may be calculated to improve the political and social condition of the Irish people.

The *Chancellor of the Exchequer* could not refrain from correcting the statement of the noble Lord with respect to the religious instruction given in the University of Cambridge at the period to which he had referred. Whatever might be the case in the noble Lord's College, in the College with which he (the Chancellor of the Exchequer) was connected at the same time as the hon. Member for Kendal (Mr. Warburton)—instead of there being no theological instruction, the fact was, that one of the Gospels was the subject of instruction, study, and examination.

Mr. *Warburton* said, the graduates were examined in *Paley's Evidences of Christianity*, and one of the Gospels in Greek. He could not say that the subject of religion formed a prominent part of the examination.

Mr. *T. Duncombe* said, this proposition was not liable to any of those objections which were urged against the grant to Maynooth. That grant was for the benefit of persons professing a particular creed; whereas these Colleges were to be open to all, and were intended for the benefit of all. On this ground he should support the Bill.

Leave given.

CASE OF MRS. PRICE.] On the Motion for the Speaker to leave the Chair, for the House to go into Committee of Supply,

Mr. *T. Duncombe* rose to call attention to the following petition, which it is necessary to insert in order to make the matter intelligible:—

"PETITION OF ELIZEY PRICE.

"The humble petition of the undersigned showeth,—That on Thursday, the 3rd of April, your petitioner attended at the Cross Inn at the Town's-end, in the parish of Kingswinford, to give evidence on behalf of a Mrs. Beaumont, who was charged with assaulting a common informer named Joseph Newey. The case was heard by Samuel Stone Briscoe, Esq., a magistrate, who bound Mrs. Beaumont over to keep the peace.

"That after the above case was decided, your petitioner was standing with other persons in the justice room, when the aforesaid Joseph Newey violently assaulted your petitioner, in the presence of the said Samuel Stone Briscoe.

"That after your petitioner had recovered from the immediate effects of the blow she received, she applied to the said Samuel Stone Briscoe for a summons or warrant against the aforesaid Joseph Newey, that she might have justice in the case.

"That the said Samuel Stone Briscoe refused your petitioner's request.

"That on Friday, the 4th of April, your petitioner applied to William Foster, Esq., one of Her Majesty's Justices of the Peace, living in the parish of Kingswinford, and that he, the said William Foster, Esq., issued a summons, requiring the attendance of the aforesaid Joseph Newey, at the Public Office, Wordsley, in the aforesaid parish of Kingswinford.

"That on Monday, the 7th of April, your petitioner attended at the said Public Office at Wordsley, and preferred the charge of assault above mentioned against the aforesaid Joseph Newey, before Mr. William Robins, Mr. William Foster, and Mr. George Bate, three of Her Majesty's Justices of the Peace, by whom the said Joseph Newey was, on the evidence of your petitioner, corroborated by Thomas Simmons and George Wells, officers in the Staffordshire County Police, convicted and fined by the aforesaid Justices.

"That after the said conviction of the said Joseph Newey, he the said Joseph Newey, exultingly pulled a paper from his pocket, and told the bench it was a warrant from Samuel Stone Briscoe, Esq., to take your petitioner to the Cross Inn public house at the Townsend, Kingswinford, for an alleged assault com-

mitted by your petitioner on the said Joseph Newey.

"That on the evening of Tuesday, the 8th of April, about six o'clock, the said Joseph Newey, accompanied by James Baker, who represented himself to be a constable, came to your petitioner's house, and took your petitioner forcibly away, and conveyed her to a public house, called the Horseshoes.

"That your petitioner's husband, and several respectable persons, offered to give bail for your petitioner's appearance at any time when required; but the said James Baker refused to liberate your petitioner, but said he would do so as soon as William Onions, the constable, came.

"That when the said William Onions came, your petitioner was not liberated.

"That about twelve o'clock, the aforesaid James Baker wanted your petitioner to accompany him to his house, a distance of nearly two miles; that your petitioner refused to do so, on which Onions said, 'Damn her, if she wont go chain her to the post,' meaning an upright iron post which supports the front of the chimney in the tap room of the said Horseshoes Inn.

"That your petitioner was thereupon handcuffed to the said iron post, and was there kept till after six o'clock the next morning, no person remaining with your petitioner.

"That no bedclothes, or other accommodation for sleeping, was provided your petitioner, except a wooden bench, which was at an inconvenient distance from the post, and was immovable.

"That, consequently, your petitioner was compelled to pass the night sitting on a chair, the only alleviation to her painful condition being a cushion lent by the landlady.

"That your petitioner is in the family way, and had been so for more than seven months at the period when she was so chained to the post for a whole night, as above stated, and that in consequence of this cruel treatment your petitioner's health is materially impaired.

"That after your petitioner was released from the post, as before described, she was taken on foot by the said James Baker to the Fir-tree House, the residence of Samuel Stone Briscoe, Esq., a distance of four miles.

"That your petitioner was taken into the presence of Samuel Stone Briscoe, Esq., no person but the said James Baker, in whose custody your petitioner was, being admitted.

"That the said Samuel Stone Briscoe told Baker to liberate your petitioner, saying he could not do anything in the case till Thursday, the 17th April, following, when your petitioner was required to attend at the Cross Inn, Towns-end, Kingswinford.

"That your petitioner was then liberated without sureties for her appearance, or her case being at all gone into.

"That on the said Thursday, the 17th day of April, your petitioner attended at the Cross Inn public house aforesaid, and was again taken into custody by the said James Baker, and placed before the court, consisting of Samuel Stone Briscoe, Esq., John Deheane, Esq. (of Wolverhampton), and William Henry Cope, Esq.

"That the charge of assault was preferred by the aforesaid Joseph Newey against your petitioner.

"That the court, after hearing the evidence of the aforesaid Joseph Newey, and Thomas Simmons, and George Wells, policemen, on oath, and a statement by Samuel Stone Briscoe, Esq., who signed the warrant on which your petitioner was apprehended, not on oath, dismissed the charge of assault against your petitioner, who was thereupon liberated.

"That your petitioner, by the above cruel proceeding has been put to great inconvenience and expense, and endured much suffering; and your petitioner is informed she cannot obtain redress in the case but by action at law against the said Samuel Briscoe, Esq., who issued the warrant, and the said James Baker and William Onions, who detained your petitioner in custody.

"That your petitioner is poor, and unable to institute such proceedings for want of the necessary funds.

"Your petitioner therefore humbly prays your Honours' House to institute an inquiry into the allegations contained in this petition, and apply such remedy as to you in your wisdom may appear proper, and which will meet the justice of the case.

"And your petitioner will ever pray

"ELIZEY ⋈ PRICE.

"Witness—JOHN RANKIN."

The hon. Member said a case of greater oppression than that stated in the petition had never occurred. It was a disgrace to the magistracy and the laws of the country. He hoped that when the matter had been investigated, Mr. Briscoe would not be allowed to remain any longer in the commission of the peace. The hon. Member concluded by moving that the petition should be referred to a Select Committee, who should be directed to report their opinion on the matters contained in it.

Sir *J. Graham* said, that in consequence of information which had reached him officially with respect to this case, he had already instituted a partial inquiry by writing to Mr. Briscoe, and requesting him to offer such explanations as he might think proper to send. The conduct of Mr. Briscoe was only a part of the case. The latter part of it, which attracted most attention, and which was well calculated to excite a warm feeling of indignation, was the misconduct of a constable. It was, he believed, perfectly true, that under a warrant for an assault, a married woman,

seven months advanced in pregnancy, was handcuffed, and remained chained to a post in a room of an inn a whole night. He had caused inquiry to be made whether that constable was appointed under the Rural Police Act, and if so, he had given orders for his dismissal; and if he were a parochial constable, then it was necessary that he should be indicted. For that part of the transaction Mr. Briscoe was not responsible. He could not, however, defend the conduct of Mr. Briscoe, as he thought he ought to have proceeded by summons and not by warrant. There was a variance between the statements of the two parties, but undoubtedly the matter ought not to rest where it was, and he was prepared to direct that an official and a full inquiry should take place.

Mr. *Wakley* thought that the brutal conduct of the constable arose entirely out of the misconduct of the magistrate, and he trusted the inquiry would embrace that which was done by both.

Mr. *T. Duncombe* said, that after the explanation of the right hon. Baronet, he would ask leave of the House to withdraw his Motion.

Motion withdrawn, and the House resolved itself into a Committee of Supply, and a vote of 50,000*l.* on account of the year 1845, was taken.

The House resumed, and adjourned at half-past twelve.

HOUSE OF COMMONS,

Thursday, May 15, 1845

MINUTES.] BILLS. *Private.*—1°. Duke of Argyll's Estate.

2°. Whitehaven and Furness Railway; London and Croydon Railway Enlargement; London and Croydon Railway (Chatham and Gravesend); London and Croydon Railway (Maidstone, Ashford, and Tonbridge); London and Croydon Railway (Orpington Branch); London and Croydon Railway (Chatham to Chilham); Great Western Railway (Ireland) (Dublin to Mullingar and Athlone); Birmingham and Gloucester Railway (Wolverhampton Line).

Reported.—Calvert's Estate; Claughton-cum-Grange (St. Andrew's Church); Claughton-cum-Grange (St. John the Baptist's Church; Grand Junction Railway; Trent Valley Railway; Chester and Holyhead Railway; Shrewsbury, Oswestry, and Chester Junction Railway; Manchester and Leeds Railway (Burnley Branch, and Oldham and Heywood Branches Extension) (re-committed).

3°. and passed:—Southampton Docks.

PETITIONS PRESENTED. By Mr. Somers, from several places in Ireland, for Repeal of the Union.—By Mr. Shaw, from Ballantoy, and Culdaff, for Encouragement to Schools in connexion with Church Education Society (Ireland).—By Mr. Bannerman, Mr. Dundas, Mr. Ellice, Lord Hallyburton, and Mr. T. Mackenzie, from several places, for the better Observance of the Lord's Day.—By several hon. Members, from a great number of places, against the Grant to Maynooth College.—By Mr. Hawes, from the Rev. John Fullagar, in favour of Grant to Maynooth College.—By Mr. Christopher, Mr. Clive, and Mr. Entwisle, from several places, against Union of St. Asaph and Bangor.—By Mr. Somers, from several places in Ireland, for Repeal of Charitable Donations and Bequests (Ireland) Act.—By Mr. Forster, from Attorneys and Solicitors of Berwick-on-Tweed, and Durham, for Removal of Courts of Law and Equity to Inns of Court.—By Sir James Duke, from Boston, for Repeal or Alteration of Insolvent Debtors Act.—By Mr. Broadley, Mr. Entwisle, and Mr. F. Kelley, from several places, against Parochial Settlement Bill.—By Mr. Entwisle, from Guardians of the West Derby Union, Lancaster, for Facilitating the Removal of the Poor.—By Mr. Ellice, and Mr. Dundas, from several places, for Ameliorating the Condition of Schoolmasters (Scotland).—By Mr. Duncan, from Dundee, for Alteration of Statute Labour (Scotland) Bills.

BIRMINGHAM AND GLOUCESTER RAILWAY (WOLVERHAMPTON LINE).] Mr. *Spooner* moved the second reading of the Birmingham and Gloucester (Wolverhampton line) Railway Bill.

Mr. *Pakington* would take the sense of the House against this Bill. He trusted that the House would not sanction such a precedent as the success of this Motion would establish, and allow parties who had brought forward a railway project, and then abandoned it for seven or eight months, to bring it forward again at the last moment at the greatest possible inconvenience and injury to the landowners and others who were opposed to it. When this Bill was brought in, his surveyor told him that it violated the Standing Orders in so many particulars that it could not possibly pass without his concurrence. He had no idea in what particular the Standing Orders had been violated, for when he heard that the line was abandoned he thought no more of it, and had not the remotest thought that it would be proceeded with till he received a letter from Mr. Wheatley, of Birmingham, the solicitor to the company, dated the 1st of April last. The Railway Department of the Board of Trade also considered this line abandoned; for in one of their Reports they stated, "It is understood that arrangements have been made by which it is withdrawn in favour of the London and Birmingham Company." He begged further to add that this project was now brought forward by the London and Birmingham Company, in order to meet some deficiencies in its own Bill, and not by the Birmingham and Gloucester Company which originated it, but which had since amalgamated with the Midland Counties Railway Company. In consequence of the actual abandonment of this line, the Board of Trade had not reported upon it. He had not had proper notice of their intention to proceed with this Bill,

and had been lulled into false security by its being withdrawn in January, and not again brought forward till now; and he should therefore move that it be read a second time this day six months.

Mr. *Spooner* said, there had been no abandonment of the project, though his hon. Friend was justified in inferring from what had passed that it was abandoned; but as soon as it was determined to revive it, he had got notice of it—that which he got on the 2nd of April, and yet he had not ever since given any intimation of his intention to oppose it; and it was not fair now, when the promoters of the Bill had their witnesses in town, and had counsel engaged, and the case was ready to be gone into in Committee, to deal with it out of the ordinary course, and refuse it a second reading. On the success of this Bill depended, in a great measure, the termination of the controversy between the wide and narrow gauge. The House ought not to take the Bill out of the hands of the Committee.

Mr. *Pakington* regretted that he had not given a public intimation of his intention to oppose the second reading of this Bill. He would have done so, but that he had not had an opportunity of doing so before the holidays.

Sir *R. Inglis* said, he did not understand his hon. Friend to object to the Bill, except upon the ground of surprise; but, as he understood the facts, it was his hon. Friend the Member for Droitwich who was taken by surprise; and he would, therefore, support the Motion of his hon. Friend the Member for Droitwich.

Mr. *Labouchere* thought the hon. Member for Droitwich had brought forward his case with perfect fairness, and had fully explained the nature of his interest in the matter; but he had not, in his opinion, made out any case against the second reading. If there was any surprise in the case, it appeared to him that it was not confined to one side, for the hon. Member had not given to the parties to the Bill any intimation of his intention to oppose the second reading, and they could have had no knowledge of such an intention until to-day. He thought the fairer course to all parties would be to read the Bill a second time, and refer it to the Committee.

The House divided on the Question that the word "now" stand part of the Question:—Ayes 41; Noes 22: Majority 19.

Bill read a second time and committed.

MEDICAL REFORM.] Mr. *Wakley* rose to move, pursuant to Notice—

"That a Select Committee be appointed to inquire into the Management of the Royal College of Surgeons of England:—Also, to investigate the Circumstances which led to the grant of an additional Charter to the Council in 1843, and into the Effects produced by the operation of that Charter upon the interests and professional rank of the great body of the Members of the College."

He had received numerous letters on the subject; but the Motion had been specially brought forward in consequence of a petition he had presented, on the 31st of March last, from the surgeons of Gloucestershire, showing—

"That, by virtue of a charter granted in the year 1843 by Her Majesty, the Council were empowered to select from among the members a certain number of persons, and to confer upon them the dignity and title of 'Fellows,' together with the privilege of electing the Council in future. That while your petitioners cannot but look upon such a distinction (however desirable in itself) as unjust, if made to operate retrospectively upon the character and interests of the great body of the members of the College, they more particularly desire to assert their most indignant protest against the manner in which the Council have exercised the power entrusted to them by the said charter. That the charter requires that all existing members of the College shall undergo another examination, or be for ever excluded from the honour and privileges of the fellowship, an indignity from which your petitioners cannot but feel that the possession of the before-mentioned diploma, and a devotion of many years to the active duties of their profession, ought, in fairness, to have exempted them; the petitioners, therefore, humbly pray that no Bill concerning the medical profession which shall in any way recognise the distinctions alluded to, be allowed to pass into a law until such an inquiry shall have been instituted."

The right hon. Baronet (Sir J. Graham) was pretty well aware by this time that he had made a false step in making the grant of that charter. It was pretty clear that the right hon. Gentleman felt that was the case from what he had said the other night; but, nevertheless, the right hon. Gentleman did not intend, as he gathered from his language, to make any of those changes which the profession were so anxious to see. In bringing forward this Motion, he was placed in a difficulty, by the fact of the Bill with the alterations not having been printed as yet for the use of Members, and he was therefore ignorant

of what changes the right hon. Gentleman designed to make. The history of the conduct of the council of the College of Surgeons had been one of injustice. For some time previous to the year 1826, the tendency of their conduct had been to throw fees into the hands of their own body, and acquire a monopoly of the public offices. In consequence certain resolutions had been passed at a meeting of a body of gentlemen holding high places in the profession, who were presided over on that occasion by Mr. Lawrence, who was at present a member of the College, and consisting of nearer 2,000 than 1,500 persons; and those resolutions, which were, to the best of his recollection, carried unanimously, condemned, in the strongest and most unequivocal manner, the conduct of the Council of the College up to that period, the last of them being to petition the House of Commons that the members of the Council should be elected by the members generally. The following were the resolutions then agreed to :—

"That the public, and the members of the surgical profession, may justly complain that the science of surgery has not been advanced, nor its practitioners benefited, either by the late corporation or the present Royal College of Surgeons in London. That the regulations first promulgated and acted upon in 1823, prescribing the course of study required of candidates for the diploma, contain provisions of the most oppressive character, injurious to the rights and property of individuals, calculated to increase the expense and difficulty of acquiring surgical knowledge, and to serve the private interests of the ten examiners by whom these regulations were made."

That petition had been presented by his hon. Friend the Member for Kendal (Mr. Warburton), whom he was sorry not to see in his place. Up to that time the College had no catalogue of the Hunterian Museum, which had been purchased at a great expense of public money, and was in great disorder; and they had no library. In 1834 a Committee was appointed by the House of Commons, presided over by the hon. Member (Mr. Warburton), before whom a large portion of evidence was produced by members of the College and practitioners of great eminence, and that evidence confirmed the charges which had been made against the management of the council of the College. From that period to 1843 societies were formed in various parts of the country, medical clubs and associations, all complaining of the grant to the College; and a new force was given to that movement by the annoying operation of the Poor Law Amendment Act. But in 1843, to their profound amazement, they were informed that a new charter had been granted by the Crown, and new privileges most unjustly bestowed on the Council, whose conduct had been so severely reprobated. They scarcely credited the information; but, unfortunately, a short time proved that the statement was perfectly true, and that that document had been issued under the sign manual of the Crown, conferring on the Council most extraordinary powers and privileges. The right hon. Baronet supposed that he had curtailed those powers, and posterity might think so; but the charter would at this time injuriously affect 10,000 of the profession. The sciences of surgery and medicine were also called in it two branches, when, in reality, they were but one. That was the universal opinion of all writers of observation and ability; and yet he found that in the charter of 1843 a broad distinction was made between surgery and the practice of pharmacy and midwifery; and those who practised the latter were, by the terms of the Act, excluded from belonging to the governing body of the College of Surgeons. That exclusion was calculated to degrade the general body of medical practitioners; and it stamped the practice of medicine and midwifery as an inferior profession. It was also a novelty. True it was that such provisions were included in the by-laws of the Council; but until this charter there were none that had received the sanction of the Crown, or were recorded in any of the statutes of the College. The clause to which he referred was as follows—

"That from henceforth no member of the said College, who shall not also be a fellow of the same, shall be eligible as a member of the council of the said College; nor shall any fellow be so eligible whilst practising midwifery or pharmacy, or who shall have practised midwifery or pharmacy at any time during the five years next preceding the day of election; nor unless he shall reside and *bonâ fide* practise his profession of surgeon within five miles by highway or road from the General Post Office in St. Martin's-le-Grand. And if any member of the council shall at any time after his election practise midwifery or pharmacy, or shall cease to reside and *bonâ fide* practise his profession of surgeon within five

miles of the General Post Office, as aforesaid he shall be liable to removal from the council."

One would have supposed that such a charter had been issued in the 16th century, instead of 1843, and it was laughed at by all except those who suffered from its effects. It was as absurd and ridiculous a document as any that had ever received the sign manual. It was impossible that the great body of the profession could see such provisions conferred on the Council without considering that it was calculated to inflict upon them a most unmerited injury. Under such circumstances, it might be easily supposed they would feel strong discontent; and that discontent had been expressed in various ways, by petitions to that House, by remonstrances to the Council, and by memorials to the right hon. Gentleman. It was, indeed, difficult to say who was pleased with the charter. The right hon. Gentleman was not pleased with his offspring, and considered that it possessed very ugly features. He supposed, then, that the council must be pleased with it; but out of twenty-one councillors, one, who was president of the College a few years ago, had presented two petitions to that House, praying for inquiry into the grant, the circumstances that led to it, and its operation. What was the language of Mr. Guthrie, the eminent surgeon of the Westminster Hospital, one of the Council, and late president? He said—

"That although your petitioner, in his collective capacity has been compelled to accept the grant of a new charter to the said College, a copy of which was lately laid on the Table, of your hon. House, he considers several of the provisions of the said charter to be illiberal, exclusive, and unjust."

That was his language in the petition presented by him last year. What then did he say in the petition addressed to that House this year?—

"Your petitioner, aware of the unfitness of this charter for the purposes for which it was intended, opposed its acceptance in his place in the council of the said College, and has on every possible occasion objected to its continuance. The parts of the charter to which your petitioner particularly objects are those which, from their supposed liberality, are considered by the few advocates it possesses to form a praiseworthy feature in its construction, but which your petitioner is ready to prove are the principal causes of the discontent which has been manifested throughout the profession in a manner hitherto unprecedented; and that, so far from any of them being acts of liberality, they are really otherwise, being either deceptive in their nature, or so despotic and unjust in their character, as to be discreditable even to a purely arbitrary government, and the retention of which cannot be maintained before any competent court or Committee of Inquiry.

What did the Council say of it themselves? In a statement which they had just published as a vindication of their conduct some time last year they said:—

"If the changes introduced by the present charter are to have the effect of elevating the character of the surgical profession generally, it will be in the next, rather than in the present generation."

The majority of the Council looked upon the duties imposed on them by the right hon. Baronet as invidious. So long ago as 1826, the right hon. Baronet now at the head of the Government was earnestly entreated to approve of provisions for giving to the members of the College some share in the government of it; and it was thought at the time he was not unfriendly to the prayer of that petition. He could not understand how a Minister of the Crown should feel himself justified in taking the course which the right hon. Baronet the Secretary for the Home Department had adopted in 1843 relative to granting this charter. In his opinion, the right hon. Gentleman exercised very unconstitutional powers, and he thought most unjustly so, with reference to a large body of the medical profession. But what had been the case with the petitions which had for the last twenty years been addressed to that House by thousands of the medical profession praying that they might be placed in a proper position in their own institutions? They had been answered secretly by a Minister of the Crown, who, yielding to some private influence or solicitation at the Home Office, instead of punishing the Council for their misconduct, invested them with new powers, enabling them to inflict most extreme annoyance on their professional brethren. Of this, however, he was quite sure, that the right hon. Baronet had been deceived by some person whose judgment he ought not in future to respect, and upon whose recommendation, as a public man, he ought not to place further reliance. The right hon. Gentleman the other night had referred to some alteration that he was disposed to make in the charter relative to the standing of the fellows. That was the most absurd and ridiculous thing he could conceive.

The College was empowered, according to the provisions of the charter, to elect 300 members, to be called Fellows, within three months from the time of the charter — the 14th of September, 1843. No condition was laid down as to the mode of exercising that power—it was perfectly arbitrary. Between December, 1843, and September, 1844, they were also empowered to elect any other number of persons into the class of Fellows; but so much annoyance had their former labours produced among their profession, that they returned to their duty after having elected 300 Fellows with extreme reluctance; for it was not till the end of the year, when the power of creating Fellows expired, that they elected 240 more, making in all 540. Now, the Fellows were the persons from whom the future councillors were to be selected. But what was the case? That men who had obtained diplomas forty years ago were placed lower in the list than men who obtained their diplomas in 1840; so that under the present arrangement the former had no chance of becoming members of the Council. Could the right hon. Gentleman suppose that an arrangement of that kind would be productive of anything but dissatisfaction? And whom had the College elected Fellows?—

"Two hundred and twenty-nine surgeons of general hospitals in various parts of the United Kingdom; fifty-two teachers of the various branches of medical science, recognised as such by former acts of the council; ten who had distinguished themselves by their contributions to the sciences connected with surgery; forty surgeons resident in London not practising pharmacy or midwifery, who were considered eligible to the council under the former charter and by laws, and who, if not admitted to the fellowship, would have been deprived of a privilege which they formerly possessed (many of these, though not connected with general hospitals, hold important public appointments); four senators of the University of London; 132 surgeons in the navy, army, and East India Company's service (these were recommended by the heads of their respective departments, with the exception of the surgeons of the regiments of Guards, who, being independent of the Army Medical Board, were nominated by the council according to seniority); sixty-seven provincial surgeons, who, though not attached to general hospitals, have a high surgical reputation in their respective districts (many of these hold important public appointments, and there is no one among them whose diploma is dated since 1824). To these may now be added, thirty-nine admitted by examination in December, 1844, and April, 1845."

Upon the face of that document it was apparent that inquiry was demanded, or that the right hon. Gentleman should acknowledge that the charter should not stand. It was impossible to look at the principle that governed it, or to the paucity of individuals elevated, without feeling and being convinced that such a state of things could not continue without the utmost dissatisfaction. Not one of the 67 surgeons whose diplomas were granted in 1824, and in some succeeding years (as we understood the hon. Member), had been appointed Fellows; but in the first 300 Fellows appointed, there were 30 whose diplomas were dated between 1833 and 1837. This was not the time for going into the whole question of medical policy; but, with reference to the provisions of the charter, he might be allowed to quote the language of several gentlemen of great experience and of high distinction in the profession—men of European celebrity—who were examined before the Committee of 1834. By the clause in the charter referring to midwifery and pharmacy, the right hon. Baronet (Sir J. Graham) excluded from seats in the Council persons who had practised midwifery and pharmacy during the five years antecedent to the day of their election. It had been acknowledged for many years past that a medical practitioner, in order to exercise his professional functions with safety to his patients, should be educated not merely in a part, but in the whole of his profession. The expressive observation made by Mr. Abernethy in 1828, that "medicine and surgery are one and indivisible," had frequently been quoted; and its force and truth were admitted. But, notwithstanding such a dictum, the right hon. Baronet had, by his charter, separated the different branches of the profession; and had, in fact, cast odium upon those members of the profession who were engaged in the practice of pharmacy and midwifery. Mr. Lawrence, a member of the council, was asked by the Committee of 1834—

"Is not a large share of the actual practice of a London surgeon medical practice?—Unquestionably: surgical cases are principally treated by means called medical. Perhaps this practice extends, not merely to the medical treatment of surgical cases, but to the treatment of many cases altogether medical?

—Decidedly; a great portion of it is medical. A large portion of the practice of the surgeon being medical, ought not the course of study and examination prescribed by the Council of your College to comprehend pharmacy and therapeutics?—Unquestionably. Might not the present course be animadverted upon, as deficient in those respects?—Undoubtedly; it must be considered very imperfect, if it is regarded as a course of medical education. As far as you know what the duties are, the performance of which is exacted by your College from its members, is there anything in those duties that should render a man unfit to be at the same time a member of the College of Surgeons, and a licentiate of the College of Physicians?—Nothing: I think there are good reasons why every one who is elected, either a fellow, or a licentiate of the College of Physicians, should possess a knowledge of surgery. If there are any reasons against the possession of such knowledge, I am not acquainted with them."

The next gentleman to whose evidence he would refer was Sir B. Brodie, who was asked—

"Is it not a very important part of the business of a surgeon, by proper medical treatment, to prevent the necessity of operating?—Yes; it is a great mistake that is sometimes made, to suppose that the great business of the surgeons is to perform operations. That is one part of their business; but only the smallest part. The principal employment of surgeons is to prevent the necessity of operations; which, however, they will perform when they are wanted. In the present improved state of the art, the greater number of cures made in cases which are universally acknowledged to be surgical, are made by medical treatment, not by operations."

And yet this class of medical practitioners were to be excluded from the Council of the College of Surgeons! Sir Astley Cooper was asked—

"In the case of army surgeons residing in this country, do they not practise pharmacy as well as surgery in the treatment of diseases in the regiment?—I do not know that they practise what I call pharmacy; they all prescribe, but I do not know that they make up their medicines. The fact is we are all physician-surgeons, and it is a folly to say that any man is a pure surgeon; for as to practising surgery without physic, it is absolutely impossible."

Mr. Travers, also a member of the Council, was asked—

"Are the medical and surgical cases separated at St. Thomas's Hospital?—They are. Was it the rule some years ago, that in a case requiring external and internal treatment, the surgeon attended to the surgical treatment, and the physician the medical treatment of the patient?—Yes it was. How long ago has that rule been rescinded?—It was not formally rescinded until about seven years ago; but before that there was a gentlemanlike understanding and concession of the point between the physicians and the surgeons. The surgeons had their prescriptions prepared, though in this they were obliged to be very cautious. I was elected to the hospital in 1815; and I remember that for many years after, we literally could not prescribe beyond a black draught or a dose of opening medicine. Was that by order of the governors?—It was; and a most grievously injurious system it was. Suppose, in a case of mortification, not admitting of delay, the surgeon and the physician differed upon the treatment of the patient, how were they to arrive at a decision?—I have always had the good fortune to have a colleague (for we have each a colleague according to our standing) who has been too much of a gentleman to interfere with the treatment of my cases."

These were the arrangements existing in the Borough hospitals so lately as 1827; at at this moment relics of such arrangements still continued in some of the hospitals. It was acknowledged that no man could practice safely and properly as a surgeon unless he possessed an acquaintance with medical practice. In fact, the surgeon not only understood what ought to be done, but he said to the public, "I am capable of doing it; there is no function connected with my surgical or medical duties from which I shall shrink." Again he said, these were the men who were degraded by the present charter. He hoped the right hon. Home Secretary must now be satisfied that he had been acting upon most incorrect information as to the rule and practice of medicine, and that he would not persist in carrying out his present views. With reference to the practice of midwifery, Mr. Lawrence was asked—

"Ought midwifery to be one of the subjects which candidates should be required by your council to have studied, and to be examined upon?—I think midwifery ought to be studied by those who mean to practise the medical profession, and that such persons ought to be examined on that subject. Ought it to form a part of the course prescribed by the College of Surgeons? I think it ought. Ought there not to be on the Board of Examiners practitioners in midwifery?—I think that would be necessary, if the College of Surgeons are to perform the duty of examining in midwifery."

Sir Astley Cooper, on the same subject said—

"I hold that, as to the practice of midwifery, it is one of the most important operations in

surgery, and ought not to be neglected; yet it has been grossly neglected."

Sir Astley was asked,—

"You have already proposed that the examinations in midwifery should not be intrusted to the Apothecaries' Company, but to examiners connected with the College of Surgeons?—There are a great number of respectable apothecaries in London who have practised midwifery to a great extent; and in that body there would be many individuals found who could give good examinations in midwifery. But I think the best constructed board would be derived from those men who practise midwifery almost exclusively. I have heard of such horrors from ignorance in midwifery as would harrow up your souls if I were to repeat them."

He (Mr. Wakley) considered it the extreme of folly to throw disrepute upon that class of practitioners who were engaged in such an onerous branch of the profession as midwifery, by excluding them from the council of the College of Surgeons. He was sure the right hon. Baronet could not have been aware of the danger to which society in this country would be exposed by such a measure. The wealthy portion of the community could never have any difficulty in obtaining the aid of the most skilful medical practitioners; but it ought to be the object of the Government and of the Legislature, in dealing with such a question as this, to provide competent medical practitioners for the millions—to take care that from one extremity of the kingdom to the other there should not be a single unqualified medical man. Within the last year several cases had been published in connexion with the practice of midwifery, in which the uterus had been absolutely torn away; and in one instance a medical practitioner tore from the body of an unfortunate victim eighteen feet of intestines. Four cases of this kind had been published during the last twelve months; and these occurrences were attributable to the folly of their legislation. The Legislature, in dealing with this subject, ought to act with more prudence and wisdom; and he was convinced that if the right hon. Home Secretary acted with more determination — disregarding the palty, petty interests which beset and perplexed him, he could, within forty-eight hours, lay before the House a plan of medical legislation which would secure to the public throughout the kingdom a class of competent medical practitioners. It was especially their duty to see that the poor were provided with competent medical practitioners. A poor man in the country, with a wife and a family of six or seven children, might meet with a serious accident; he would be taken to his cottage; he had no hospital to go to —no Brodies or Listons to attend him; the neighbouring surgeon was the only medical man to whom he could have recourse. The most careful treatment, the most extreme sagacity, might be required on the part of the surgeon; if he failed, what was the condition of the poor man's family? The husband—the father—died, and his wife and children were consigned to the workhouse. He maintained that the Legislature were, to a great extent, answerable for such consequences; for there was no difficulty in obtaining the most competent medical practitioners for all classes of the community. Then, he called upon the House to consider the situation of a poor woman, the mother of a large family, in childbirth. The hon. Gentlemen whom he addressed little knew the condition of the poor in such circumstances; often they were destitute of every comfort—frequently they had not even the necessaries of life. If the surgeon was not equal to the emergency, the woman expired; and thus the misery of these unfortunate people was increased by the evil of incompetent medical practitioners. But he would go a step higher; he would ask the House to consider the case of the families of farmers and persons in the middle class. Those persons entertained the same anxiety for the welfare of their relatives as was felt by the aristocracy, or the more wealthy portion of the community. But to what misery and torture were they subjected by being compelled to employ unqualified medical practitioners! He was enabled to state that the great body of surgeons in this country were fully competent to discharge their professional duties; he would venture to say that a more competent body of medical men could not be found elsewhere; but, by the operation of a charter which they had no reason to expect would issue from the Crown, they were lowered in their own estimation, and degraded in professional rank. They saw selected as the higher members of the College a number of individuals who had no merit beyond themselves—who had not been distinguished more than themselves in medical pursuits. It might be difficult

for Ministers to understand the feelings of medical men in such circumstances; but he would ask them to picture to themselves the case of a surgeon in the country who for twenty years had occupied high professional rank, and who now suddenly found men twenty years his junior placed completely over his head, and elevated to a high professional position. If the Committee for which he now asked was granted, he would be able to prove that hundreds of surgeons who had been elevated to the rank of Fellows, had attained no professional reputation. Under these circumstances he would ask the right hon. Home Secretary, first, whether it were his intention to refuse an inquiry; and in the event of such refusal, secondly, if he would state whether it were his determination to maintain the charter in its present odious integrity? He could not believe that if the right hon. Baronet should refuse this inquiry he would persist in the latter course. The Council of the College had acted in the most unjustifiable manner. In an address to the National Association of General Practitioners some time since the Council said—

"Under a sense of justice to their future members, who will possess the same qualification as the present members, and under the obligation which the institution of the novel honorary degree imposed, they necessarily sought other evidence of distinguished surgical attainments than the ordinary diploma, which attests only the amount of proficiency required of all."

The public were therefore left to infer, that all the existing members possessed only inferior qualifications. The members of the College did not seek the inquiry for which he (Mr. Wakley) now asked with the view of causing any annoyance to the Council; on the contrary, their only desire was that the medical institutions of this country should be placed on a proper foundation, and governed by wise and sound laws. The members of the College considered that they were entitled to a share in the government of their own institution. The charter expressly stated that the o dy corporate consists of the members, the governing body consisting of the Council. Why, then, should the request of the members be refused? If their claim were just, ought any absurd and ridiculous prejudices the Council might entertain, as to practitioners in pharmacy and midwifery, to prevent a concession of their demand by the Government? He believed, when the right hon. Baronet's Bill came under their consideration, the House by its decision would agree with him on the subject. Would it be wise, he would ask, to establish a multitude of medical corporations? As a body, the Council of the College repudiated the practice of medicine: yet all the Council openly confessed that the smallest portion of the science of medicine was surgery. Then it was said that the corporate rights of the College of Surgeons ought to be called into activity; but he would ask, who could call their corporate rights into action unless it were the College itself? The fact was, that the College of Surgeons treated the whole of the privileges conferred on them as if they were their own private property—their own fee-simple, and he regretted to perceive that the course pursued by the right hon. Baronet opposite seemed to encourage that idea. But the public by this time pretty well understood that the Council of the College of Surgeons were mere trustees. Now, the right hon. Baronet, in dealing with such a body of men, should say frankly that which was the fact. He should tell those trustees that they had betrayed their trust; that they had done nothing for the science of surgery. If the Council of the College of Surgeons had done their duty in the year 1815, the members of that College would now be in the full possession of their rights. The House knew perfectly well, and it was quite unnecessary for him to remind hon. Members, that the Home Secretary, by his measures, showed an evident intention to render the College of General Practitioners inferior to that of the Surgeons and of the Physicians—to make it appear to the world that they were an inferior order of men. Now, that class of men were exactly those whom the House ought to protect, because they were the advisers of the poor; and the poor, by reason of their poverty, were unable to assert their own rights. He was not aware that any appeal which he might make to the right hon. Baronet stood the least chance of being successful. It must be obvious to every one that the right hon. Baronet had got into serious difficulties, and that he did not seem exactly to know how to get out of them; but he ought not to seek to escape from the embarrassments which surrounded him, by conferring power and distinction

upon a body like the Council of the College of Surgeons, who had betrayed their trust. How had that body treated the private lecturers? There was Mr. Brookes, one of the greatest anatomists of the age in which he lived. He was never elected a Fellow of the College. He well recollected, that often at the close of a session, Sir Astley Cooper was in the habit of saying—"Well, gentlemen, the session is now over; but if any one desires further instruction in anatomy, let him go to Mr. Brookes." Yet Mr. Brookes was never chosen on the Council, and it was well known that he died in poverty. There was also Mr. Carpue; he still lived, but he was not a member of the Council. Mr. Dunlop was also an eminent teacher; yet the Council refused to elect him. Was not that disgusting? Was it not intolerable that men of merit should be so treated? The explanation of the whole matter was, that some of those gentlemen taught cheap, and therefore they were not chosen members of the Council. Looking then at the character and conduct of the College of Surgeons, he could not help saying how much he regretted that the right hon. Baronet should have listened to the representations which had been addressed to him. He unfortunately listened to representations made to him at the Home Office by parties in whom he ought to place no confidence; and he paid no attention to the complaints and representations made in the hundreds of petitions which had poured in from all parts of the country. For all these reasons, then, he did intreat and implore the right hon. Baronet to retrace his footsteps—to disregard private and local interests—to attend to the true interests of the whole people—and, at the close of his labours, to be able to thank God, that under the law as it now stands, there shall not be one unqualified medical practitioner. He hoped that the right hon. Baronet would not refuse him a Committee. However, if his first Resolution were not agreed to, he should take the sense of the House on his second Resolution, which was as follows:—

"That in any Charter which the Crown may be advised to grant for the Incorporation of the General Practitioners, those gentlemen are fully entitled to enjoy an equality of professional station with the newly created Fellows; that a deep and lasting injury would be inflicted on many thousands of scientific men, if a College of General Practitioners were to be founded as an institution inferior to the College of Surgeons."

On the conclusion of the hon. Member's speech, the House was counted out.

HOUSE OF LORDS,

Friday, May 16, 1845.

MINUTES.] BILLS. *Public.*—2ª. High Constables; Turnpike Roads (Scotland) Act Amendment; Exchequer Bills.

Private.—1ª. Scarborough Water; Stoke-upon-Trent Market; Boddam Harbour; Southampton Docks; Gildart's (or Sherwen's) Estate; Hawkin's Estate; Lord Monson (or Countess Brooke and of Warwick's) Estate.

2ª. Royal Naval School; Middlesex County Rates; Southwark and Vauxhall Water Company; Morden College Estate; White's Charity Estate (Herbert's).

Reported.—Molyneux's Estate; Liverpool Docks; Pudsey Gas.

3ª. and passed:—Glasgow and Shotts' Road; Surrey and Sussex Roads; Foulmire Inclosure.

PETITIONS PRESENTED. By the Archbishop of Canterbury, Bishops of Gloucester, London, Cashel, and Durham, Duke of Richmond, Earls of Liverpool, Roseberry, St. Germans, Radnor, Warwick, and Winchilsea, and by Lords Kenyon, and Farnham, from Clergy and others of Brosseley, and a great number of other places, against Increase of Grant to Maynooth College.—From Free Synod of Sutherland and Caithness, and from Inhabitants of Inveravon, and 3 other places, against the running of Railway Trains on the Sabbath.—From Dunse, and several other places, for Improving the Condition of Schoolmasters (Scotland).—By Lord Farnham, from Loghin Island, and several other places, for Encouragement to Schools in connexion with Church Education Society (Ireland).—By the Marquess of Salisbury, and Lord Ashburton, from the Goldsmiths, and several other Companies of the City of London, against the Charitable Trusts Bill.—By Bishop of Bangor, and Earl of Radnor, from Clergy and others of Llandowror, and several other places, against the Union of St. Asaph and Bangor.—From Tradesmen and others of Folkestone, and 3 other places, for Repeal of 57th Clause of Insolvent Debtors Act Amendment Act, except as to Debts not exceeding 5*l*.—By Lords Redesdale, and Lyttleton, from Stourbridge, and Derby, for Repeal of 57th Clause of Insolvent Debtors Act Amendment Act, and for the Establishment of Local Courts.—From Tradesmen's Society, Chelsea, for the Protection of Trade against Fraud and Swindling.—From Llanfairtalhaiarn, and several other places, for the Suppression of Intemperance.—From Kelso, against the present practice of granting Spirit Licenses to Toll Houses (Scotland).—From Aboyne, and Birse, for the better Observance of the Sabbath.—By the Earl of Radnor, and Marquess of Londonderry, from Ballyhemlin, and 3 other places, in favour of Increase of Grant to Maynooth College.—From Castlewellan and 2 other places, for Inquiry into the course of Instruction adopted at Maynooth College.—From Physicians and others of the County of Somerset, in favour of Medical Reform.—From Guardians of Clutton Union, against the Parochial Settlement Bill.—From Ladies of the Congregation of Broad Street Chapel, Reading, for the Suppression of Seduction and Prostitution.—By Lord Lilford, from Silk Hand-loom Weavers of Leigh, and other places, for Inquiry and Relief.

TURNPIKE ROADS (SCOTLAND) ACT AMENDMENT BILL.] The Duke of *Richmond*, in moving the Second Reading of this Bill, said, that his object was to assi-

milate the law of Scotland to the law of England, with regard to the keepers of turnpike tolls. In Scotland, the keepers of tolls were allowed to sell spirituous liquors; and this had been allowed for the purpose of increasing the amount of tolls. This he thought a very objectionable system; and he called upon their Lordships to affirm the principle which this Bill supported.

Lord *Campbell* had recently been to Scotland, and he found a very general outcry against the system the prevention of which was the object of the noble Duke's measure. He warmly supported the principle, but he thought that the Bill would require some alteration to render it effectual in securing the object proposed.

The Duke of *Montrose* said, the argument by which the Bill was supported, that the present practice was demoralizing the people, would go much further than this measure; it would apply to the whole system of licensing in Scotland, than which nothing could be more objectionable. At the same time, great inconvenience might be occasioned if no exceptions were made with respect to licensing toll-houses in remote localities. In some instances, also, if the practice were abolished, the trustees would have to levy higher tolls to maintain the roads.

Lord *Rosebery* agreed with the main principle of the Bill. A very great nuisance existed under the present system, by the obstruction of the public roads; but he could not agree with the noble Duke in supporting so general and sweeping a measure, and in depriving many remote districts of a very great benefit.

The Earl of *Dalhousie* thought the measure a good one. From his own knowledge of his own district, and from the information he had received from other parts of Scotland, he could state that the evils caused by granting these licenses to toll-houses were innumerable. The whole present system of licensing might be bad, but that was no reason why they should not endeavour to introduce this partial improvement. He should support the measure.

Bill read 2ª.

House adjourned.

HOUSE OF COMMONS,

Friday, May 16, 1845.

MINUTES.] BILLS. *Public.*—3° and passed—Railway Clauses Consolidation (Scotland) (No. 2).
Private.—1° Skerries Harbour.

2° Tottenham and Farringdon Street Extension Railway; Aberdare Railway; Liverpool and Manchester Railway; Birmingham and Gloucester Railway (Worcester Deviation).

3° and passed:—Scarborough Water.

PETITIONS PRESENTED. By Viscount Bernard, from several places in Ireland, for Encouragement to Schools in connexion with Church Education Society (Ireland).—By several hon. Members, from a great number of places, against the Grant to Maynooth College.—By Viscount Ingestre, Colonel Pennant, and Sir John Walsh, from several places, against Union of St. Asaph and Bangor.—By Mr. Lockhart, from several places, for Abolition of Tests in Scotch Universities.—By Mr. Hogg, from the Belfast Auxiliary to the British and Foreign Anti-Slavery Society, against the Importation of Hill Coolies into the Colonies.—By Mr. Spooner, from Owners and Occupiers of Land in the County of Worcester, for Relief from Agricultural Taxation.—By Mr. Hawes, from Cadogan Williams, for Inquiry (Annuities).—By Sir William Somerville, from Merchants, Manufacturers, Traders, and others, keeping Accounts with the Hibernian Joint Stock Banking Company, in Drogheda, against Banking (Ireland) Act.—By Viscount Ingestre, from the Staffordshire and Worcestershire Canal Navigation Company, in favour of Canal Companies Tolls Bill.—By Mr. Ross, from Antrim, and several other places in Ireland, for Repeal of Charitable Donations and Bequests (Ireland).—By Col. Pennant, from several places, for the Establishment of County Courts.—By Mr. Greenall, from Attorneys and Solicitors of Wigan, for Removal of Courts of Law and Equity to Inns of Court.—By Mr. T. Duncombe, from Johnstone, Scotland, for Alteration of Factories Act.—By Viscount Barrington, from Justices of the Peace of the County of Berks, against Justices' Clerks and Clerks of the Peace Bill.—By Mr. Brownrigg, from Boston, against the Merchant Seamen's Fund Bill (1844).—By Viscount Ingestre, from several places, against Parochial Settlement Bill.—By Mr. Sanderson, and Sir T. Winnington, from several places, for Diminishing the Number of Public Houses.—By Captain Pechell, from James Street, of Portsea, for Inquiry into his Case.—By Mr. Villiers, from Wolverhampton, for Inquiry into the Tailors' Trade.

RAILWAY LEGISLATION—STANDING ORDERS.] Mr. *Stuart Wortley* moved a Resolution in conformity with that recommended by the First Report of the Committee on Railways of last Session—viz., that the following clause be inserted in all Railway Bills passing through this House:—

"And be it further Enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Acts authorised to be made from the provisions of any general Act relating to such Bills, or of any general Act relating to Railways, which may hereafter pass during the present or any future Session of Parliament."

In proposing this, he wished the Bills which passed this and all future Sessions should be placed in the same condition with the Railway Bills that passed last Session.

Mr. *Gisborne* understood this was proposed as a Standing Order, and he had an objection to the patching up of the Standing Orders of the House.

Mr. *Darby* thought that the Motion ought to be adjourned to a more convenient time.

Mr. *Hawes* thought a longer notice ought to have been given, and this subject discussed in a more full House. It might be postponed to this day week.

Sir *G. Clerk* thought it ought to be adjourned.

Mr. *Labouchere* was disposed to concur in the propriety of the proposition; but still the question ought to be adjourned.

Mr. *Gladstone* concurred with others in thinking the Motion ought to be postponed.

Motion withdrawn.

Arrangement of Business—Counting out the House.] Sir *R. Peel* moved, in pursuance of the Notice he had given, that after Monday, the 2nd of June next, Orders of the Day have precedence of Notices of Motion on Thursdays. Looking at the state of the Public Business before the House, and the fact that it had been usual in former years to agree to such a Motion at about the same period of the Session, he hoped the House would acquiesce in this proposal. It would not, he believed, interfere with any existing Notice. Last year, a similar Resolution had been in operation from the 3rd of June.

Mr. *H. Berkeley* considered that a degree of hardship would be inflicted by the Motion on those hon. Members who, from the counting out of the House, or the House not being made, had been disappointed in bringing on Motions of which notice had been given. He had been so disappointed last night in regard to his Motion for a Committee to inquire into the operation of the Insolvency Act of last Session—a Motion of great importance to his constituents, and which he hoped the Government would yet enable him to bring under consideration.

Sir *R. Peel* said, the hon. Member could not be more disappointed than he was that the House was counted out yesterday. The hon. Member for Finsbury had made his statement, and it was most desirable that the Government should have an opportunity of replying to it. He could assure the hon. Member that it was not by the wish of the Government that the House was counted out, nor was any Member of the Government a party to that proceeding. There had been fewer instances this Session of the House being counted out, or of its failing to be made, than in any previous one—he believed in two instances only had there been any failure in making a House during the Session. With regard to the Motion of the hon. Member for Bristol, the Government had no wish to throw any impediment in its way.

Mr. *H. Berkeley* hoped some opportunity would be afforded him of bringing forward his Motion. He did not wish to make a long speech, and should be quite satisfied if the Government would agree to appoint a Committee.

Dr. *Bowring* said, that a very great anxiety prevailed on the subject of the hon. Member's Motion, and he thought the nomination of a Committee was imperatively called for.

Mr. *Ward* remarked that he had strong claims upon the right hon. Baronet, in regard to his Motion for inquiring into the peculiar burdens on land. If the Resolution now proposed were carried, it was probable that he would not have an opportunity of bringing forward that Motion during the present Session; and considering that he had on a previous evening, abstained from using his influence to cause a House to be made, he might almost say, at the personal request of the right hon. Baronet, but certainly in consequence of his appeal on the ground of great fatigue, he thought he had some claim to ask that facilities should be afforded him by the Government for bringing on his Motion.

Sir *R. Peel* thought when the House remembered the number of Government measures which were yet to be discussed—many of them measures of great importance—he might allude especially to the Scotch and Irish Banking Bills — they would concur with him that every facility should be afforded for proceeding with the Government business. It had been usual to give up the Thursdays to Orders of the Day, at about the same period in previous Sessions, and he hoped no objection would be made on the present occasion. With regard to the Motion of the hon. Member for Sheffield, he did not see how he could afford him any facilities for bringing it forward, as he was already under an engagement to one hon. Gentleman (Mr. Ewart), to afford him an opportunity for bringing under discussion his Motion as to the duties on butter and cheese. The noble Lord's (Lord John Russell's) Motion was also fixed for a night which was usually set apart for Government business; and, looking at the state of that business, and the advanced period of the Session,

he hoped the House would acquiesce in the usual Motion he had submitted.

Mr. *Ward*, under the circumstances he had stated, thought he might fairly appeal to the right hon. Baronet's courtesy, as well as to his sense of justice, to afford him facilities for bringing on his Motion.

Sir *R. Peel* felt grateful to the hon. Member for his courtesy; but he had not understood that he was under any obligation to him in this matter. He did not propose to take any of those days which were now set apart for notices of Motions for Government business, until Thursday the 7th of June; and before that time he hoped the hon. Member would have an opportunity of bringing forward his Motion on some Tuesday or Thursday.

Mr. *Ward* said, there was not a chance, for the Notice Paper for each of those days was already filled.

Mr. *Wakley* said, as reference had been made to him, he might be permitted to state, that although the Government had certainly assisted in making a House on the previous night, he was not aware that they had made any very powerful efforts to keep it. It was true he had had an opportunity of saying a great deal, but he had not expressed the half of what he had intended to say. He would admit, that so far as form went he had been allowed to finish his speech; but he saw where the dial pointed—he saw it was approaching the fatal hour of seven—and feeling that it was expedient, that the right hon. Gentleman should have an opportunity of replying, he concluded, in the hope that that reply would be listened to, and be the means of keeping a House. It was most important that independent Members should have an opportunity of bringing forward those questions in which their constituents and the country felt an interest; but that would be impossible if the Government took from them the Thursday, while this mode of interrupting the business of the House was resorted to. Although not more than thirty Members were present when the right hon. Baronet (Sir James Graham) rose to speak on the previous evening, no attempt had been made by hon. Gentlemen on that side of the House to count the House out. It had been done by an hon. Gentleman on the opposite Benches; and perhaps that hon. Gentleman, the hon. Member for Northamptonshire, would now be good enough to state the grounds that had induced him to move that the House be counted. He and others felt, that the right hon. Baronet (Sir R. Peel) ought not to persist in his Motion; but if the right hon. Baronet would consent to withdraw the Medical Bill altogether, he would not say anything more on the subject. Looking at the Bill as it had been presented to them that morning, with the proposed Amendments, it was quite impossible for it to pass during the present Session, and he hoped if the right hon. Baronet intended to persist in his Motion, it would be at once withdrawn.

Mr. *Stafford O'Brien* said, as the hon. Member opposite had made his name a striking part of his speech, he begged to say a few words in reply to the question he had put to him. Though he had received no intimation or suggestion from the right hon. Baronet or any Member of the Government on the preceding evening with regard to the counting out of the House, he had, during the speech of the hon. Gentleman, received repeated applications to make that Motion from hon. Gentlemen on the hon. Member's own side of the House. At one period of the hon. Gentleman's speech there were not more than a dozen Members present to listen to him; but he declined to interrupt the hon. Member, for, he said, the hon. Member for Finsbury always speaks well, and you will get more information by listening to him here than at the Reform Club. But he added that when the hon. Member had concluded his speech he intended to move that "the House be counted." Notwithstanding this courtesy the hon. Member now turned round upon him, and charged him with interrupting his Motion, though it was well known that if, depending on his friends, the hon. Member had been allowed to carry on his Motion to a division, the House would not—to use his own peculiar phraseology—have survived the operation.

Motion agreed to.

Orders of the Day to have precedence of Notices of Motions, on Thursdays, after June 2nd.

CASE OF MR. FOUND.] On the Question, that the Speaker do leave the Chair to go into a Committee of Supply,

Mr. *Trelawny* was sorry to be compelled to interrupt for a short time the progress of the financial business of the country; and he certainly would not have done so, had he not felt bound to bring under the consideration of the House a

case of great hardship, arising out of the operation of the laws for the protection of the Revenue, as they were called; but which might, perhaps, be more correctly described as laws for the oppression of individuals and the discouragement of commerce. He had not the least desire to find fault with the conduct of the department under whose cognizance such matters lay. It was extremely probable that the hardship of which he had to complain was to be ascribed rather to the state of the law, than to the conduct of any portion of the Executive. It might, then, be inquired why he brought the matter before the House at all. He could only say, that he did it simply in order that the rule under which such proceedings as he had to complain of occurred, might be thoroughly known and understood by the public, who might not run similar risks of pecuniary loss; and also, that the great inconvenience which such rules entail, might receive such a practical illustration as would conduce to an early alteration in the rules themselves. He would at once proceed to state briefly the grievance of which he had to complain. Mr. John Found was the owner of a ship called the *Velocity*. Having fallen into difficulties, he was compelled to mortgage it. The mortgagee being desirous of obtaining payment of the money he had advanced, Found was in danger of losing his means of livelihood, as well as those of a sister's family whom he maintained. Under these circumstances, a Mr. Seccombe induced his brother, a highly respectable person, Mr. John Seccombe by name, to advance the requisite sum to save Found from his difficulty. He (Mr. Trelawny) firmly believed that Mr. Seccombe took this step from motives of pure charity—to rescue an unfortunate and industrious person from impending ruin. The amount advanced was 234*l.* In the meanwhile, Found fell sick, and, finding it absolutely necessary to keep his ship in employment, he entrusted her for a time to his brother, Christopher Found. This person, unfortunately, was tempted to take in some brandy from a smuggler at sea, which was concealed under a cargo of coals. The result was, the seizure and sale of the vessel, and a consequent loss of considerable amount to a highly deserving and wholly innocent party. He was well aware he should be told, why did not people take more care? It would be said, was the Revenue to suffer because individuals advance their money on bad security? But to this it might be replied, is every person lending money on such security to sail in the ship, in order to exercise surveillance on the conduct of every sailor on board—to search every minute cranny, in order to see whether a roll of tobacco or a pint of spirits was concealed within it? Or, if this were absurd, is no property to be advanced on the security of ships? Were they to be, as it were, taken out of commerce? Were people to be discouraged from embarking money in the building of ships by the consideration that, in a case of temporary embarrassment, no money could be safely raised upon them? It had been the professed policy of this country to favour shipping. This had been the object of the navigation laws; and yet, in this instance, the very opposite was the effect. It is not merely of the direct effects of these revenue laws that complaint was made; but the indirect effects. Thus, the Corn laws, first, directly enhance the cost of the article, by excluding foreign corn; but, secondly, they enhance cost indirectly, by rendering the protected interest indolent, destitute of energy and resource. Thus, too, with the revenue laws. Not only was the cost of the commodities affected largely increased, but individuals were sadly oppressed; and the machinery of production unnecessarily hampered and restricted. In short, it came to this, that far more money was wasted by restricting commerce, than ever came into the coffers of the State. What was the annual charge for the purpose of preventing smuggling? In the Tobacco Duties Report, it was stated, that sixty-six cruisers were employed, and 6,174 men—enough men for five or six line of battle ships;—and all at a cost of 512,168*l.* a year. And yet it was also stated, that considerably above twenty millions of pounds of tobacco were annually smuggled, to the absolute ruin of the fair trader. He (Mr. Trelawny), in conclusion, could not help expressing his anxious hope that the Government would give this subject their earliest attention; if they could not find it consistent with their duty to give redress in the particular case of which complaint was made.

Mr. *Cardwell* said, that he deemed it right to say a few words as to the facts of the case. In the month of October last,

the vessel to which the hon. Member referred, the *Velocity*, was seized and brought into Plymouth harbour; the circumstance which led to that seizure was, that a quantity of contraband goods, namely, French brandy, was found concealed under the cargo of coals. Two custom-house officers, who were placed in charge of the vessel, were forcibly seized by the parties on board, and tied fast in the cabin, and the goods were landed in spite of them. The vessel under these circumstances was forfeited. It was true, that in this instance the petitioner, whose case the hon. Member had brought forward, was merely the mortgagee, and not the owner; and probably had no participation in the guilt of the transaction. The law recognised no distinction; and indeed if it did, it must be evident that the Revenue would be without adequate protection. He much regretted that an innocent individual should suffer; but in the present instance it could not be avoided without making a dangerous precedent.

Manning the Navy.] Mr. *M. F. F. Berkeley*, in proposing the Motion of which he had given notice, to call the attention of the House to the present system of manning Her Majesty's Navy, and the difficulty that arises in procuring able seamen for the service, observed that the speech recently made by the hon. Member for Peebles-shire, that he had not formerly voted for the Maynooth grant because it was so small, had not created more surprise than the statement of the hon. and gallant Admiral opposite (Sir G. Cockburn), that he could man the Navy effectually, and with good and able seamen, to any amount at the present moment, were it necessary. In the course of his political life, there was one thing of which he was prouder than any other, and that was his conduct with regard to the Navy of this country. He had never allowed that subject to take the form in his mind of a mere party question. Whether sitting on the Government or the Opposition side of the House—whether in office or out of office—he had always stuck to the manning of the Navy as the most important feature connected with that service; and had contended that it was useless to build costly ships, and go to the expense of experimental squadrons, unless they provided for the ships, when built, being fully and ably manned. He could not, he thought, do better, in bringing the subject under the notice of the House, than to read some remarks from a leading public journal, in which he fully agreed. The writer said—

"The maintenance of our naval supremacy is intimately blended with our feelings of national pride, and with all our plans for the preservation of power; and perhaps no surer proof of want of patriotism could be evinced by any man, than in converting matters connected with the Navy into party questions. The Navy is strictly national; and it is the one branch of the Public Service for which John Bull never begrudges payment. It is, then, of the first importance that it be preserved in the best possible order."

He was free to admit that the hon. and gallant Officer opposite, and the Board of which he was a Member, deserved a meed of gratitude from the practical officers of the Navy for having, when they first came into office, done away with that absurd practice—that anomaly in the service—which had created two different complements for a British man of war, viz., a peace complement and a war complement. For that they had deserved and obtained the gratitude and good will of the whole Naval Service; not merely of the practical officers, but what was of more consequence, of the able seamen. But he was surprised to find, that having once decided that what had been understood as the peace complement should no longer exist—that having once put an end to the absurd distinction between a peace complement and a war complement, they should have reverted back to the old system. The hon. and gallant Admiral shook his head, as much as to say that he (Captain Berkeley) was mistaken on this point. He hoped it was so. When the *Albion* was fitted out under Captain Lockyer, her complement was supposed to be from 800 to 830 men. The hon. and gallant Officer, he admitted, had said that it was not intended that ships on the home station should have the full complement which they would have if sent to a foreign station; but that they should have a small complement, which should be filled up to the full amount as they were sent to sea. Well, the *Albion*, having been a short time on the home station, was sent to sea—to Lisbon—it was true that might not be called a foreign station, but she was sent out with 100 men less than the full complement—that was, she

was sent out with a sort of betwixt-and-between complement, having more men than she would have had on a home station, and less than she should have had on a foreign. She was, however, destined for a particular service; and she went with this reduced complement of men to watch the French squadron in their operations off the Coast of Africa. It was true she was not called into action; but suppose she had — and it was by no means an improbable event to look forward to at that time—was it a fair position in which to place her officers and crew, to put her upon such a service with a complement 100 short of that which the Admiralty themselves acknowledged to be the proper one for a ship of her class? The hon. and gallant Officer (Sir G. Cockburn) said that ships of the same class, when employed by the late Government in the war with Syria, were sent to sea with only 690 men on board. The hon. and gallant Officer was here referring to the period when he (Captain Berkeley) had parted from his Friends in the Admiralty, because he differed with them upon this very subject— the insufficient manning of the ships. But when the hon. and gallant Officer came into office, it was generally understood that he meant to man the fleet properly and effectually. The distinction between peace and war complements was absurd and ridiculous; the proper complement was the thing required, and that should be for each ship in proportion to the number of her guns, and the weight of metal. That was the way in which the complement of every ship should be determined; and from it no alteration should be made while she was in commission, whether in peace or war. He wished to know why, after the Board of Admiralty had, after consultation with officers of every grade and all political opinions—after full consideration of all the circumstances—established upon the best and only principle a clue for arriving at the proper complement for a British man of war of every class, why the hon. and gallant Officer had afterwards gone back to a practice that had been condemned as absurd? They had heard much of right hon. Gentlemen opposite taking up the garments of the party they had succeeded; but he thought they would have done well if they had in this followed the example of the Whig Board of Admiralty, under Lord Minto; for nothing showed a greater desire to do justice, and to consult the interests of the service, than the principle laid down by that Board—a principle approved of by Sir G. Seymour when out of office, but equally so when in office. He sent Sir G. Seymour the plan for manning the Navy upon the principle he had stated, viz., in proportion to the number of guns, and weight of metal of each ship; and Sir G. Seymour's reply was—

"I return your papers. I am confident no suggestions can be more useful than those made on improving the manning of our ships. I trust the Board will adopt them."

Shortly after this, Sir G. Seymour came into office; and from the conversation he then had with that gallant Officer, he found him as anxious to carry out that principle as he had been before. Now, he would take the case of Sir G. Seymour's ship—an 80 gun ship—she was to have the same number of men, he found, as an 84 gun ship. It was quite impossible, that under a proper system, an 80 gun ship and an 84 gun ship should have the same complement of men; either the one must have too many, or the other too few; and, in either case, there was a just ground of objection. Why, he asked, was a 90 and a 92 gun ship to have the same complement of men? If the one had two guns more than the other, why was she not to have the requisite additional number of men to work them? The arbitrary manner in which the Board of Admiralty had acted in manning the ships cut two ways—it was as wrong to overman a ship as to underman it. They were about to send to sea an experimental squadron; but it would not satisfy the purpose which they had in view if they sent it undermanned. In that case, good able seamen would not enter; as in half-manned ships a greater share of duty fell to the lot of such men than they would, under different circumstances, be subjected to. He entreated the House not to underrate the difficulty of manning ships. He had had some experience of that difficulty in 1836. He was in that year appointed to the *Hercules*, fitting out at Sheerness. The *Asia* was there also under orders for sea. Two or three ships were also fitting out at Portsmouth; in all about seven sail of the line. At the same time it was right to state that there were several well-manned ships in the Mediterranean. He, however, experienced great difficulty in getting sea-

men for the *Hercules*. The captain of the *Asia* found a similar difficulty. The then Board of Admiralty ordered them to receive men from the coast-guard service. He remonstrated against such a system, for he found that men so supplied were frequently rated able seamen, when they had no pretensions to such a character. It would not do to say that the Navy was well manned, because the per centage of able seamen borne upon the ships' books was greater than it had been in Lord Nelson's time. The fact was, that when captains were appointed to ships, in their anxiety to please the Admiralty, to get their ships manned and to sea as soon as possible, they frequently took on board, and rated as able, men who were but very ordinary seamen. Men discharged from other ships with the rating of ordinary seamen, had frequently come to him and offered to join his ship, provided he would rate them as able seamen: this he had invariably refused to do. No man ought to be rated as an able seaman until he was able to do his duty efficiently in every part of a ship. The lack of able seamen was the great want of the Navy at present. To return, however, to his experience in manning the *Hercules*. On going out of Sheerness, after completing his complement, and with plenty of nominally able seamen on board, he found, when they came to be actually tested, that not more than half a dozen could be trusted to steer the ship, and that only seven were able to perform the duty of sounding. Upon his arrival at Lisbon, the station to which he was bound, he found that Sir W. Gage, the admiral commanding the squadron there, had received an order from the Admiralty to the effect that men should be allowed to volunteer from the *Hercules* to reinforce his ships. Now he (Captain Berkeley) knew that if he threw any difficulty in the way of the wishes of the Board of Admiralty, he would—and very properly—be visited with their displeasure, and probably lose his ship. Notwithstanding this, he wrote to Sir W. Gage, stating, that if among the men who might leave the *Hercules*, any of the able seamen on board should be included, he did not consider that, in the winter time, his ship would be safe in the chops of the Channel. Upon this Sir W. Gage came on board the *Hercules*, turned up and examined the crew, and, having completed his inspection, declared that he would not take one able seaman from the ship. The whole system of entering men from the coast guard and from rendezvous opened in seaport towns, would never answer. All sorts of persons were entered at these rendezvous without any proper inquiry. He remembered a story of a man coming to one of these rendezvous in 1836, and offering himself as a seaman. He was asked how long he had been at sea? He replied, twenty-two years. He was immediately put down as an able seaman, while, in fact, he was nothing more nor less than a discharged marine. He had talked of the difficulty of manning a ship in 1836. In 1840, when he was appointed to the *Thunderer*, he made great efforts to induce a due number of able seamen to join. The *Vanguard* was also preparing for sea in Portsmouth harbour. She, however, could get no men, and what was the reason? Why, they preferred joining the *Thunderer*, a Plymouth ship, in preference to the *Vanguard*. The captain of the latter vessel told him that he had frequently met able seamen in the streets, and asked them to join his ship. They replied they would not — they would enter for the *Thunderer*, because she was commanded by an officer who wished to make their work comparatively light, by making the complement of men as complete as possible. This was a specimen of the feeling of sailors with respect to undermanned ships. He would be allowed, however, to allude to one of the principal causes which now rendered the manning of ships more difficult than ever. In the first place, they had substituted machinery for manual labour—steam boats for vessels navigated by able seamen. Look at the Scotch smacks. Each of these vessels used to carry some twenty-five or thirty of the best seamen, accustomed to the severest of weather. Where were these smacks now? Let them remember the old sailing packets of Liverpool and Dover, plying to Ireland and France. They were all gone. So was a great part of the boatmen and wherrymen of Portsmouth and Plymouth. The same was the case with respect to the Thames watermen. During the war a great many able seamen were furnished by the Thames Watermen Company in return for the exemption they enjoyed from impressment. But a great proportion of the Thames boatmen were also gone. Thus, their great nurseries for seamen were being daily destroyed. This, of

course, was no fault of the Admiralty; but the circumstances he had mentioned, as they accounted for the greater difficulty now felt in obtaining seamen, ought to impress upon them the necessity for adopting the best possible means of obtaining those men who were still left to them. Before proceeding further with his case, he might be allowed to revert to some circumstances connected with the views of the subject which he was endeavouring to impress, and which he had omitted to mention at an earlier part of his speech. In August, 1840, he commanded the *Thunderer*. The Mediterranean squadron, to which she belonged, was then liable from month to month to hostile collision with a French fleet. It was known to the House that the complements on board the English squadron at the time were peace complements. Efforts were made, however, to put our ships into a more efficient condition. The first batch of men sent out consisted of 300 marines. They came in September; but the number was not more than sufficient to fill up the casualty vacancies. The next batch was composed of 600 men. They were received in January. Every exertion had been made, but these were all the fruits the Admiralty could obtain for their exertions. Out of the last 600 men, twenty were apportioned to the *Thunderer*: on mustering them, he found that the first six consisted of three pair of sawyers. The next man he inspected was one whose face he thought he knew, and who actually turned out to be a person who had, upon his (Captain Berkeley's) representation, been discharged from the *Hercules*, as utterly unfit for the service. Such a way of manning the Navy in the case of an emergency would never do. They must have a well-digested system of manning their ships, and, above all, they must not break faith with the seamen. They must not do as they had done by the seamen who were employed in China. They had taken a great mass of booty, which ought to have been their own property as prize money. He had no hesitation in saying that anything more calculated to prevent able seamen from entering the Navy had never occurred, than the conduct of Government towards the sailors of the Chinese expedition. Let the House recollect the feelings of sailors upon the point. A seaman would always prefer 10*l.* of prize money to 20*l.* of wages. He trusted that no such policy as that pursued with reference to the Chinese expedition would ever be repeated. Now, as to the mode which he would suggest under present circumstances for manning the Navy. He thought that the coast-guard service should be put under the control of the Admiralty, and that the men who might be entered into the Navy from that service should, at the expiration of the term for which they were engaged, be allowed to return to the stations from which they had been taken. Why should not the revenue service be placed under the control of the Admiralty, as a nursery for seamen? He could tell them. It was because it would injure the patronage held by the Treasury. We used formerly to have a great resource in the merchant service; but that resource was now done away with. Ships were now rigged in dock by the old Greenwich pensioners, and the seamen were not called on to perform the usual duties. When the ships came back from sea the men were discharged, and the ships were unrigged by the Greenwich pensioners. Instead of the Navy drawing its supply from the merchant service, the latter was supplied with men from the Navy, and for this reason, because the pay was better. He had, he thought, proved his case from 1836 to 1840; and he did not think there was anything in the present Board of Admiralty which, up to the year 1845, could induce the men of a better class, or in larger numbers, to join the service. He might be asked why he brought forward this discussion, as he concluded with no Motion. His answer was, that he was informed by several, amongst others by his hon. and gallant Friend (Sir C. Napier), that if he were to conclude with a Motion, he should be told by Ministers, "Leave such questions in the hands of the Executive; if the Government is not fit for its duties, you should bring forward a more decided Motion." He maintained, however, that such discussions as the present did a great deal of good; and not only that, but that they carried the point very often to which they related. He had brought forward a Motion, condemning the 10 gun brigs as unseaworthy. It was true there was a great majority against him, and that majority was swelled by the present Conservative Secretary of State for the Home Department; but though the right hon. Gentleman voted against him, he was the first,

as a Whig First Lord of the Admiralty, to condemn those ships. No less than four of these brigs were about to be sent to the Coast of Africa. But the press took up the arguments which he had used; public opinion was found to be against them. The Shipwreck Committee took up the subject, and the Admiralty did not dare to send out those brigs as they intended. The termination of that debate fully justified the course which he took on the present occasion.

Sir *G. Cockburn* was surprised to hear the hon. and gallant Officer, who was usually so fair in his Motions, and to whom he always listened with much respect, begin his speech by saying, that he (Sir G. Cockburn) had asserted there was no difficulty in manning our fleet. Another gallant Officer on a former occasion said something to the like effect, which he had then immediately contradicted. So far from having made the declaration imputed to him, he had commenced his remarks by saying it was impossible to get the number of seamen wanted at a moment's notice; but there would be no difficulty in finding as many seamen as you chose to give bread and employment to, but no more. At the end of the war there was an enormous number of seamen paid off. These men had gone into foreign service, or found other employment at home. They were no longer available to the Navy. If the Navy was reduced to the extent of 3,000 or 4,000 men, in a few years those men could not be had, and this, in fact, was the substance of his argument. The number of seamen allowed by Parliament would always be kept up. They might educate 40,000 boys if they chose; but then if they found employment and bread for only 20,000 seamen, the first number would ultimately dwindle down to the latter. The number that maintenance was provided for would always be had, and would always be retained. It was, therefore, unfair to charge him with saying that the Navy could be manned momentarily, when we pleased, when his words were directly opposed to that assertion. The fact was, the Government had now obtained the number of men they wanted. They had manned all the ships, except the *Queen*, the *Hibernia*, and the *Canopus*, and those ships were but a few short; and thus they had been able to procure more seamen than under all circumstances they had been authorized to anticipate. The hon. and gallant Member (Captain Berkeley) complained that the men were not able seamen, and that when he went out to sea, his ship was very inefficiently manned. When he (Sir George Cockburn) commanded a ship, he always questioned the men before he "rated" them. [Captain *Berkeley*: The men were sent to me "rated," and that I complained of.] In that case he thought the hon. and gallant Officer ought to have written to the Admiralty on the subject; he ought to have questioned the men—and, if he found they were unable to steer or perform other requisite duties, he should at once have complained to the Admiralty. With respect to the manning of the ships now fitting out, the *Superb* had half her crew able, and the remainder ordinary seamen, having only six or eight landsmen. This and other vessels had received more seamen than under the existing difficulties Government had reason to expect. He agreed with the hon. and gallant Officer, that in sending ships abroad, they ought to be full manned; but that the complements of those ships at home might be on a reduced scale. Having ten sail of the line at home equipped, though not full manned, would be of much more advantage than if the ships were laid up in ordinary. In former times the complement of line of battle guard ships was 300 only. When in office before he had a resource which enabled him to man ships on an emergency. He could draw upon those men who were employed on shore against smugglers. When, therefore, it became necessary to send a fleet to Lisbon, though the ships of the line had their masts struck, yet by availing himself of the resource which he had referred to, he was enabled to have all the ships manned within forty-eight hours. If ships were laid up in ordinary, such a proceeding would not be practicable. It happened at present that Government were anxious to try the capabilities of certain ships constructed on different plans; and they were desirous of knowing which plan was the best. Therefore, for making such trials, and to exercise the officers and men at sea, he had availed himself of the assistance of the men of the ordinary; the seamen employed in the dockyards, and additional marines, which, added to the home complements, would render the ships sufficiently well manned to go to the mouth of the Channel for the purpose stated. The Admiral in command would know the extent to which the ships were manned, and would take measures accordingly. He had no doubt the gallant Officer would find that, generally speak-

ing they were capable of doing the duty required of them. In war time, ships were frequently short of hands from sickness, and from having some of their men wounded or killed; and he considered the ships now going to cruise at the entrance of the Channel were as well manned as many of the ships were during the war. These ships when they returned, and were placed in our ports, with their home complements, would afford us the resource of ten sail of the line perfectly equipped, which could be speedily sent to sea; and no doubt Government would find men enough if the Legislature placed the means in the hands of the Admiralty. But there did not appear, at present, any necessity for incurring the expense of a greater vote of seamen to keep these ships full manned while on home duty. The hon. and gallant Member (Captain Berkeley) had complained of the inefficient condition of a ship he commanded, and had stated that, when at Lisbon, it would have been unsafe to part with any of his crew. That certainly must have been the case if the crew were of the description he represented, and if he had only twenty able seamen; but that was a very rare case. The hon. and gallant Member stated that men were anxious to join and remain in the ships he had commanded: he might have paid so much attention to the comforts of the ship's company as to become a favourite officer, and if so the men would be very unwilling to leave him; but he (Sir G. Cockburn) must deny the assertion that had been made that all our ships were now imperfectly manned. The *Dublin* came home the other day, and the captain told him the men had been four years abroad, and that it was impossible for any crew to have performed their duties better, or to have behaved better. The advantage of having the ships on foreign service well manned was, that the men were rendered most efficient seamen, and they were in a fit condition to meet an enemy. The men were taken out as ordinary seamen, and returned able seamen. And this was the way that the Navy would be able to get itself well manned. But, unless public affairs wore a very threatening aspect, he did not think that, in a time of peace, this country should be put to the expense of maintaining a larger fleet than was necessary for the protection of our commerce abroad. He believed that numbers of merchant seamen would enter the Royal Navy if they were allowed; indeed, it had been necessary to issue an order to the men of war not to distress the merchantmen by taking their men. He did not know whether many hon. Members who were owners of merchant ships were present to-night; but he must say it had been found that many masters of merchantmen, and, he feared, many owners also, refused to take men into their service except through the agency of crimps. A seaman who had recently entered on board one of Her Majesty's ships at Portsmouth—the *Superb* or the *Vindictive*—stated that he was walking towards the Wapping end of the City, when he was asked by a crimp to enter on board a merchant ship. He refused; but afterwards went to the owner's office. He saw the owner, and said, he wished to be entered. The owner said, "Well, I will enter you;" and the master of the ship was in the office, and took the man from the owner's to the crimp's. The man was there entered; the crimp took his note for two months' wages, gave him a few shillings and some slops, and charged him a percentage for discount on his wages. The man had since entered a ship of the Royal Navy at Portsmouth, and there the master of the ship declared him to be in his debt to the extent of his advance given to the crimp, though the man had only received the few shillings he had mentioned. He might add, that he was in possession of the names of all the parties connected with this affair. He considered it absolutely necessary, for the protection of seamen, that a stop should be put to such proceedings, which involved them in great distress. The *Albion*, the manning of which ship had been referred to, had been at first sent to sea with 750 men; the *Rodney*, of the same class, having been sent on service to the Mediterranean, by the former Board of Admiralty, with only 690: being only two deckers, they had only the lower deck for a sleeping place; yet when reference was made to the gallant Officer who commanded the *Albion*, it was found that there was no difficulty in providing accommodation for 830 men in the ships of that class. All calculations respecting the number of men were made upon a general principle, having reference to the number and weight of the guns. The second-rate ships were divided into two classes, and so likewise were the third and fourth, and also the fifth and sixth were divided into classes according to their sizes, and the number of their guns. Every one knew that the first-rate vessels were insufficiently manned during

the last war. In the *Victory*, for example, at the battle of Trafalgar, it became necessary to bring the men from the lower to the upper deck on a call for boarders; and the fact was, that we had now 100 men less in the complements of our first-rate ships than either France or America. There were men enough, however, in the present establishment to perform every requisite duty in or out of action, and to make the ships perfectly efficient.

Mr. *Somes* said, he was in duty bound to tell the House that it was impossible to do altogether without crimps. It was well known that seamen were necessarily in advance some two or three months as regarded the matter of wages, and without the assistance of crimps it would be impossible to keep them from deserting. On one occasion when he wanted some men, he was placed in communication with Captain Elliot, of the Sailors' Home, who undertook to provide him with the necessary complement of men; but he very speedily withdrew from that undertaking, declaring his inability to fulfil it; he was evidently wrong to give it up, but he found the task impossible, and, of course, application to the crimps became unavoidable. The gallant Commodore opposite shook his head; but it was impossible for any one to take a different course. Something was said about the deficiency in the number of seamen; but he must declare that he did not think the apprehensions upon this score were at all well founded. In the year 1814, the total number of seamen was 172,000, and at least two-thirds of that number were able seamen. Since 1814, the seamen had been increased to the extent of 42,000; and in the same proportion the number of able seamen had been increased; but in three or four years matters would be still better by reason of the change in the apprenticeship system. He could not let this opportunity pass of saying that the public were greatly indebted to the Board of Admiralty for the arrangements that they had made; and, further, he could not avoid adding, that the description and designations of our ships were of great importance; for if a British vessel of moderate size, denominated a 74, were to be beaten by a so-called American frigate, what would the world say? He, therefore, thought it a great improvement to have the smaller 74's cut down to 50 gun ships; and besides, we should look at the class of vessels which the French were now beginning to call corvettes. The real qualities and power of a vessel should be indicated by her designation.

Mr. *Lambton* said, that the crimping system had often been most unsparingly denounced by the highest authorities connected with the naval service of the country. Captain Elliot truly described it as a great evil to the seamen, and it certainly was one which the Legislature was bound to remedy. It was a grievous plundering of poor and simple-minded men. When a sailor landed he was usually seduced into some of the low boarding-houses, where every temptation to debauchery was presented to him; he was kept there till all his money was spent, and then he was turned forth to perish in the streets. The House really ought o adopt some measures calculated to remedy these evils. Perhaps it might be necessary to license the boarding-houses, and perhaps also to license the crimps. Of this he felt certain, that there were greater abuses arising from both classes of establishments.

Mr. *Somes* said, he did not believe that the seamen had the real enjoyment of more than half their money.

Captain *Rous* said, it was a curious circumstance that on important questions respecting naval affairs there was a great discrepancy of opinion amongst officers who might be considered by the House to be the best authorities on the subject. Both his hon. and gallant Friends the Members for Gloucester and Marylebone, in his humble opinion, took a very ultra view of the question of manning ships of war; and so strongly had his hon. Friend the Member for Gloucester felt on the subject, that he had given up a lucrative and most honourable office in the conscientious discharge of his public duty, for which every good man must respect him; but one of his principal reasons for arguing the question against his gallant Friend was, that his speech was an unfair attack against the late Admiralty, and the popular cry of keeping ships of war fully manned had been swelled into a party cheer when the present Administration took office, implying, of course, that the Members of the late Board of Admiralty

had failed in their duty. If that Board had possessed common prudence and foresight, they would have sent out 500 good seamen, or marines, to complete the war complement of the ships in the Mediterranean before the Syrian war: and then, in all human probability, the House would never have heard of the present Motion. But let him take them back to the days of real fighting, and forget Egyptians and Chinese. Let him remind the House what was the state of the Navy when England was fighting for her existence as a nation, and in what manner her ships were manned during a hot war. On the 24th December, 1796, Lord Nelson wrote to Lord St. Vincent—"You will, I am sure, forgive me for interesting myself for our friend Cockburn. He is now near ninety men short of his complement." Now, let the House recollect that this alluded to a frigate's ship's company, always in hard work, sleeping with one eye open. Lord Nelson thus concluded his letter:—"If you can, pray, Sir, procure some good men for Cockburn." Now, he (Captain Rous) appealed to that right hon. and gallant Officer (Sir G. Cockburn) whether, in his experience, from 1796 to 1815, he could not assure the House that ships of the line in particular were generally very short-handed. Lord Nelson talked of being nearly 100 men short of complement in the *Agamemnon*. From 1812 to 1814, he was a midshipman on board a very dashing frigate, the *Bacchante*, a ship carrying 42 guns, complement 300 men, but she never had on board above 280, of which 40 were French, Italians, and Germans, all the afterguard were foreigners, and the midshipmen used to stir them up in the Lingua Tuscana. The *Bacchante* sailed for America in 1814 with an extra war complement of 315 men; but now, in 1845, during a time of profound peace, the *Fox*, of 42 guns, a sister and a smaller ship, had a complement of 320; by this the House would naturally conclude that his gallant Friend the Member for Brighton was right when he said the seamen have degenerated, that they are not so broad across the shoulders or so long in the arms as they were in his younger days; and of course this would account for 320 men being considered requisite in time of peace, when 300 men in war time was an ample complement; but the real truth was that British seamen were as brave, as active, and intelligent as ever; but, unfortunately, the old captains were not the men they once were. The same impulse which made men of a certain age fancy that the women were not so handsome as they were formerly, influenced such elderly gentlemen, and his hon. and gallant Friend, to believe that British seamen had degenerated. The fact was, they were not so well calculated to command them as they were. Now, with respect to the manning of the ships, he had never expressed but one opinion—namely, that certain classes of Sir W. Symonds's ships, when the tonnage was augmented three-fifths, were undermanned, and no others; and that the late Admiralty exercised a wise discretion in so manning the rest of the Navy. In a frigate he once commanded, the present Admiralty had increased the complement from 275 to 360. In conclusion, he begged the House to recollect that the line of battle ships on the home station had, within a fraction, the same complement which they possessed in 1829. He rejoiced at it; for a line of battle ship was the worst vessel in the world to spoil young officers and seamen. Since that ever memorable trial cruise in November, he believed the ships of the line which were not paid off had never stirred from their moorings. Supposing the right hon. Gentleman in the Chair had sent a son as a midshipman on board the *Albion*, and twenty young landsmen from his own estate, to learn their duties as seamen, six months would have elapsed, and the ship had never yet been to sea. Would any person call a ship so circumstanced a school and a nursery for seamen? But the Admiralty had given all the ships on foreign stations an extra was complement: so much the worse, he thought. Nothing was so prejudicial to the health and comfort of a ship of war in a tropical climate and making long voyages, as her commander finding himself compelled to put the men on a short allowance of water, and crowding them between decks; nor was there anything so conducive to idleness and ill health. He, therefore, could not coincide in the opinions of his gallant Friend; and if he thought he had any chance of explaining the real facts of the case to the House, he should propose that all ships on foreign stations be reduced 5 per cent. on their

present complements, whereby the nation would be able to keep in commission, without any further expense, at least twenty additional cruisers. If the Navy was to be kept in an efficient state, no line of battle ships should be commissioned during peace except for flag officers; employ nothing larger than frigates, with active young officers, and England would then be ready for any emergency.

Captain *Pechell* was greatly surprised at some of the hon. and gallant Officer's statements and arguments. The hon. and gallant Member had stated that the way to get good officers and seamen was to pay off the line of battle ships, and to put their crews into small frigates and brigs, taking care that those vessels were very sparingly manned. If such was now the opinion of the hon. and gallant Officer, as to the superior advantages to be derived from short complements, what must have been the feelings of the gallant Officer when, in command of his frigate in Cadiz bay, he was compelled to acknowledge his inability to perform certain manœuvres ordered by signal by the senior officer, from the circumstance of the absence from the ship of a single boat's crew only; such being the condition of his vessel as to numerical strength. [Captain *Rous:* This is the first time I ever heard of the circumstance.] The hon. Member for Gloucester sitting below was the senior officer alluded to, and would perhaps refresh the gallant Officer's memory on this subject. It would, however, appear that an opinion so properly expressed from the quarter-deck was not to be maintained and carried out on the floor of the House of Commons. [Captain *Rous* never had entertained the opinion ascribed to him.] What he complained of was, that a system which had been condemned by Lord St. Vincent was still continued by the Board of Admiralty. There was a vast distinction made between ships on foreign service and those on the home station, and that was extremely unjust both to the officers and men. There were, besides, many circumstances which tended to disgust the seamen, and to alienate them from the naval service. They objected, amongst other things, to the system pursued by the Admiralty of entering them for one ship, and then draughting them off to another. They objected also to being paid off at Plymouth when they were entered at Portsmouth. The system of entering them at the outports and of conveying them in small vessels to their destination, disgusted them, and disinclined them to the service. It would be far better if the Board of Admiralty was henceforward to enter the men only on board of the vessels in which they were intended to serve, and to pay them off in the port at which they entered; the Admiralty ought to take some measures to prevent seamen from being paid off at a distant port, from which they were often obliged to convey their chests and their outfits at a great expense and inconvenience. It was very much to be regretted that the merchants and shipowners were not sufficiently united amongst themselves to put an end to the system of crimps, and to man their ships without resorting to such means. The statements made by the hon. Member for Dartmouth would have a very injurious effect in this respect. The consequences of the system of entering the seamen for one ship and of employing them in another, were such as to deter the best men from entering at all. They often found themselves compelled to serve against their will in a class of vessels to which they entertained a great, and he was bound to say, a just abhorhence—he meant the 10 gun brigs. What was the opinion of the public with respect to those vessels? He would quote one fact to let the House see what was the general estimation in which they were held. At a Board of Admiralty held at Somerset House, at which Sir George Seymour, Captain Gordon, Mr. Corry, and Sir W. Symonds were present, several of those brigs was recently put up for sale by Dutch auction, the biddings beginning at 1,000*l.* and going gradually down to 500*l.*, and still no purchasers; and yet, notwithstanding they were so unpopular in the service that seamen would not enter for them, they found themselves placed on board them, by the system to which he had referred. The seamen knew very well that these brigs ought not to be kept in commission a single day, and yet they were forced to serve in them against their will. Notwithstanding, however, the circumstances to which he had adverted, the Navy was considered a very good service; and if the grievances of which the seamen complained were removed, it would be deemed

by them to be far superior to the merchant service. The wages given by the Government were such as to compel the shipowners to advance their rates of pay to 3*l.* and 4*l.* a month. He wished to see the seamen always in so prosperous a condition; at the same time he could not help stating that it was principally owing to the disputes between the Admiralty and Lloyd's, that the seamen had profited. His hon. and gallant Friend the Member for Westminster had commented on some observations which he had formerly made with respect to the diminished size of the men serving on board Her Majesty's ships; and had argued as if he (Captain Pechell) had asserted that the entire race of seamen had dwindled down in stature and strength to a very low standard. Now, he meant to convey no such meaning as that which his hon. and gallant Friend had attributed to his words. What he had stated was, that owing to the time of year chosen for entering the men, the best seamen were already afloat in the merchant ships. The time for entering seamen for Her Majesty's service was May; whereas the men were engaged at an earlier period of the year by the merchants, and they were for the most part abroad in their vessels when the usual time for entering the seamen for the Navy arrived. Consequently it was not to be expected that the best and most athletic seamen would remain disengaged, or be at the service of the Government at the time. His complaint was, not that there were to be found such men as formerly used to man the Navy; but that, owing to the time of year when ships were generally commissioned, the strong and large-sized seamen were already engaged in the mercantile navy, and an inferior class of men alone remained for the Queen's service. There had been some complaints made with respect to the punishments enforced in the Navy; but he thought the system had been very much improved. He should, however, be glad to learn from the right hon. and gallant Officer opposite (Sir G. Cockburn), why it was that the Admiralty persisted in levying a penalty upon the class of pensioned seamen—or, in plain terms, why seamen who had earned their pensions by serving their full time in the Navy were not permitted to enjoy them whilst receiving their pay? [Sir *G. Cockburn:* The system referred to by the hon. and gallant Officer no longer exists.] Then it had been altered in consequence of the statements which he had made respecting it in that House. [Sir *G. Cockburn:* Quite the contrary.] He was glad, however, to find, from the right hon. and gallant Officer's statement, that there had been a change made in this respect. He did not anticipate much from the experimental squadron, though it was not impossible that it might be again wanted at Mogadore or Tangier; and perhaps the officers might again be told that they must not make any remarks or observations on the operations of our own or foreign squadrons, and that they were not to profit by the novel proceedings which they had witnessed. He hoped, however, that the views expressed by his hon. and gallant Friend the Member for Gloucester would prevail, and that the Admiralty would man the ships in commission properly and efficiently. The right hon. and gallant Admiral had alleged as a reason why no more men could be had, the fact that the Chancellor of the Exchequer had as usual interposed on financial grounds. So that it seemed the right hon. Gentleman (Mr. Goulburn) was the great hindrance to the accomplishment of those efficient measures acknowledged to be necessary. If the fact were so, he would recommend the right hon. and gallant Officers opposite to retire. They might be perfectly certain that if they showed their sterns to the Admiralty, under such circumstances, it would be difficult to find persons who would take office, or who would accept appointments given up under such circumstances. He was convinced that if the Board of Admiralty would show a little independence, they would be listened to; and he was sure that his hon. Friends the Members for Coventry and Montrose would not object to any extra expense in order to procure a proper and efficient manning of the Navy. He much regretted that the Admiralty was treated as a subordinate body; but he did not see why they should submit to the Chancellor of the Exchequer. If he was a great millstone round their necks, why didn't they throw him off, and appeal to this House? Something must be done to improve the condition of the seamen in the Navy; for he much feared that when sailors were most wanted they would be found to be in the service of Foreign Powers.

Mr. *Somes*, in explanation, observed that the shipowners as a body would, he was sure, be but too happy to destroy the crimp system, if the Government would only suggest some means by which it might be accomplished.

Lord *Ingestre* was glad that that discussion with regard to manning the Navy had taken place, for no more important subject could come under their consideration; but he did think that the gallant Officer the Member for Brighton employed himself in searching out the grievances of seamen, as if they were not at present properly attended to. With regard to the crimp system, he believed that they would never get rid of it until they educated the seaman and elevated his moral character; when that should be accomplished, the sailor himself, feeling his own moral worth, would cause the system to be abandoned. He had ever been an advocate for the efficient manning of the Navy, and he believed that the ships were properly manned at present. In conclusion, he would repeat what he had before stated in that House, that he should always be happy to promote the interests of the British sailor, and to elevate his moral character.

Sir *Charles Napier* said, he had been with others accused of a propensity to find fault. Now he had never had the least wish to find fault with the present or any other Admiralty, unless there was ground for it. He knew very well that if he had gone on quietly and never found fault with anything, and never pointed out any of the errors to the Admiralty, he should have been in a better position than now. The hon. Gentleman the Secretary for the Admiralty smiled, but so it was. If he had behaved himself better, he should now have been in command of an experimental squadron. The gallant Officer had expressed a wish that he should have such a command, and had asked him what ship he would like to have—and then, when another officer was appointed, what was the reason assigned? That he (Sir C. Napier) was too much of a party man. Now he disclaimed being a party man in anything relating to the Admiralty. He would much rather give his opinion to that Board quietly and in a private way, regarding errors that might be corrected; but the fact was, it was impossible to do anything for the good of the British Navy unless by agitation in the House of Commons. How had the condemnation of the 10 gun brigs been obtained? By agitation in the House of Commons. How had the ships at last been fully manned? By agitation in the House of Commons. There was no other means of obtaining reforms unless they were effected in that House, because Governments of all kinds were prone to stick to their own opinions, and it was difficult to get them to change their course, unless compelled by the force of public opinion. With respect to the manning of the Navy, he had understood the gallant Officer to say, that he was surprised they got men so fast as they did, and that ships were manned as well as they were in war time, and he had been supported in that assertion by a gallant Admiral near him. Now, he had been asked whether it were really possible that Sir G. Cockburn could have said in the House of Commons that the ships were now as well manned as in war time, and he had answered that he believed that what the gallant Officer had said was correctly reported in the papers. The other day he was at Portsmouth, and he had heard the opinions upon this subject expressed by the inferior officers; he had even heard those of the seamen themselves; and the general opinion he collected was, that the eight sail of the line were exceedingly ill manned. He could not conceive any reason why those officers and men should so state the case to him if it were not so; and, on the other hand, he could not conceive the gallant Officer stating that the ships were well manned if they were not so. But it was pretty well known that the Admiralty was not a place where truth could always get in. Officers were looking out for employment, and they had to please the gallant Admiral and different people, and things generally went suspiciously if any opinions were expressed adverse to the Board of Admiralty. He believed he was stating, without any exaggeration, the general feeling with respect to the manning of the ships; but he could not, of course, give the names of his authorities. There were good reasons against his so doing. When he had received information he had sometimes said to the party furnishing it—"May I mention your name as authority?" to which the answer was "For God's sake, don't; I give you the fact, but don't bring

my name into question." He did not blame the Admiralty for not manning their ships better; it was not their fault—they were placed at the Board to do the best they could—but it was the fault of the Government of the day. When that Government came into office they found twenty-six ships of the line in commission, and they went to work and reduced them. In the first year they reduced them to twelve; in the second year to eight; and at the time we were in a difficulty with respect to our relations with France, we had but three sail of the line, and one fitting out to go to South America. The Government had since seen their error, and he was glad of it. Now that they had fitted out eight sail of the line, he hoped we should not see the day when seamen were sent adrift as they then were. The gallant Officer had expressed his surprise that they should get seamen so quickly. Why, the first ship was commissioned in January. All the months since then had elapsed and they were not gone yet. [Sir *G. Cockburn:* The ships are not ready.] No; if men had not been got to man them, how could they be ready? Then, there were ships commissioned the other day at Plymouth and other places, and after they had all been manned and stored, they were taken into dock again to have another look at their bottoms, at an expense of 500*l.* or 600*l.* a piece. Why had not those ships been put into dock and examined properly before being commissioned? There had, in fact, been sad bungling, and the country had been put to a great deal of expense by it. In the manning of the squadron he contended there should have been fewer marines and more seamen, and contended generally that the fleet ought to be properly manned so that it could be sent to any part of the world immediately, if the necessity for so doing arose, and he represented the difficulty the fleet would be placed in if a war should suddenly break out. With respect to the payment of the seamen, he contended that the finest men were underpaid, and that the best captains took every opportunity to give them increased advantages. With respect to the insufficient manning of the *Albion*, the gallant Officer had stated that she had been sent out to see if she would hold her complement of men. Why, the *Albion* was a larger ship than the *Powerful* or the *Thunderer*, and he had always understood that she was the largest 90 in the fleet, and broader than any. A youngster who had been only twenty-four hours at sea could have told the Admiralty that she could contain her complement of men. However, a stir was made in the matter, and now the Admiralty came down and told the House it had been ascertained that the *Albion* could stow her crew, and that it had been increased to 830 men. He was very glad to find that the *Albion* had at last got that number. He confessed he was surprised to hear an old shipowner like the hon. Member for Dartmouth tell the House of Commons that we had as good seamen now as ever we had. It was true, we had stokers on board the ships, and a sort of half and half fellows, who could pull ropes; but he wanted to know where were the old experienced hands who went aloft on the tops and yards in storm and darkness, exposed to the rain and cold? Where was that race of men? It was true they could order the engineer on board to back his engine, or make her go back or go round, and that was just what the Admiralty had been doing; they had been going back, and from bad to worse. The railroads had destroyed the coasting trade already, and the railroads would be the last finishing stroke to the British seamen. He could quote Lord Melville to show that we could not longer depend upon the merchant service for seamen, but must rear them within the Navy itself. These things were so clear and evident that he hoped the First Lord of the Treasury, to whom the people looked up for safety, would raise more ships, and trust the defence of the country entirely to her Navy. Although at the present moment the clouds on the horizon had not burst into a storm, this country had received a lesson. We had been on the point of war with France, and although we might have escaped the difficulty now, we ought never to leave the country in the state it then was, but have in readiness a Navy adequate to maintain the honour of the country. They were told that a great deal had been done for the improvement of seamen. He granted it. The men were better victualled and provisioned now than in former days. The slop system, too, had been rectified. Formerly, the men had no means of getting their slops with their own money, and

were clothed in a manner that would have been disgraceful to the worst poor-house in the country. He thought that the supplying of slops ought not to be in the hands of the Government; but that when a ship was put in commission, the captain ought to have authority to open a contract for the supply of his crew. [The *Chancellor of the Exchequer:* That would never do.] The Chancellor of the Exchequer said that would never answer; but the right hon. Gentleman would excuse him if he differed from the right hon. Gentleman, and contended that it would answer remarkably well. A sample of the clothing to be supplied should be produced, the men should be measured for the clothes they were to wear, and thus they would be made more comfortable, and be better satisfied. The only reason why such a plan would not answer was, that a certain amount of patronage in giving a contract to somebody would be taken away; and it would not do for a person knowing nothing about sea affairs to tell him that an officer could not be entrusted with superintending the clothing of his own crew. He knew that at the present moment the men were not satisfied with their clothing; that they could buy better articles elsewhere, and that they would rather, if they had the money, go to a slopseller at Portsmouth for the articles they required than to the purser. Another point he wished to notice was connected with the manner in which the men received their wages. The men did not understand the present system of thirteen months in the year. Now, he would ask his hon. Friend opposite (Mr. Somes), how he paid his seamen 2*l.* a month, twelve months in the year, or thirteen months in the year? [Mr. *Somes:* Twelve months.] Exactly. So a gentleman of great experience in all that related to seamen and ships told the House, the Government, and the Admiralty, that sailors did not understand what thirteen months in the year meant. He (Sir C. Napier) could not understand why the Government did not give up this ridiculous custom, for the continuance of which he could see no reason, unless in its antiquity. Sailors liked to reckon in round numbers, and he asked for them, therefore, 2*l.* a month, twelve months in the year, which would be only 1*l.* 15*s.* a year more than they now received, and the men would then be satisfied. That, however, was not all—there was not sufficient distinction between the seamen and the petty officers; the first class of these ought to get 4*l.* a month, and the second class 3*l.*; but if the Government would not go that length, why should they not receive 3*l.*, and 2*l.* 10*s.* per month? Thus a better distinction would be drawn between the two classes, men would be stimulated to do their duty, and there would be more inducement to enter the service. Another point to which he wished to advert was the Sailor's Home, an institution established, to his immortal honour, by an individual, a captain in the service. What encouragement had that institution received? When the seaman came home he was surrounded by the sharks called crimps, the moment he landed; he was persuaded to go on shore to the house of one of these fellows; there he was made drunk, induced to spend his money, and then to run in debt, after which he was set up again by the crimp, taken on board ship, charged an enormous price for his necessaries, and then launched again without a sixpence in his pocket. He would tell the Government they must set to work to put down these crimps, and he had said as much before, when other people were in office, who were as bad as those who now filled it. ["Hear, hear."] Yes, he said so, for when he spoke of matters connected with the Admiralty, he cared not two straws who was in office. But the institution had received no encouragement. Men in office had never gone near it, and done nothing for it, unless, perhaps, sending their 1*l.* subscriptions. He had before tried to get a small grant for this Seaman's Home, to enable the managers to reduce the board from 12*s.* to 8*s.* a week, but in vain; and he now repeated not only that a small grant should be given, but that Government ought to establish Seamen's Homes in Portsmouth, Plymouth, Chatham, Sheerness, and every place where ships were paid off. The men would then know where to go with perfect safety. They could lock up their property and their money, and if they wanted to go out for a cruise, which of course they would after a long voyage, they could put 10*s.* or 12*s.* in their pocket, and start without being robbed and ruined by sharks. If the Government would do this, they would do good to the seaman, and improve his

morals and character. He now wished to say a few words with respect to prize money; and he did not hesitate to assert that the conduct of the Government with respect to the China prize money was abominable. They required seamen to go out to China, not a healthy country; and when they had seized Canton, the Government took the whole of the Canton ransom. But that was not all. Worse was behind, for hundreds of vessels were captured by our seamen in China, and large sums of money paid for them; and instead of our seamen receiving the value of the guns captured, the whole of the money was returned. He had a statement, which showed that there was now in the possession of the East India Company 100,000*l.* produced by captured guns and stores, in addition to which many vessels had been captured. Why, seamen had been always accustomed to receive prize money. The idea of prize money had been handed down from father to son; there was not a boy in the service who did not look forward to his prize money, and yet the Government had taken all this money to themselves, and had given up the vessels that had been captured, in order that the Chinese might hand to the Government a sum of money to pay them for the expenses of the war. Seamen did not understand that that which they had been accustomed to consider as belonging to them should go into the Exchequer in such a fashion. It was a stupid policy, a penny-wise and pound-foolish system; and he was sorry that the Government, although they were in distress at the time, should have lent themselves to such a fraudulent malversation of the sailor's prize money. He would not now trouble the House further, but hoped that what he had said would not be without its effect in opening the eyes of the Government to the real state of the Navy.

Mr. *Williams* said, he had always advocated the efficiency of the Navy, and if the Government were that night to state that our foreign relations required an increase of that branch of the Public Service, he should make no objection whatever to such increase. He wished the Government, however, would take measures to secure the services of the British seamen to the British flag. If those who were now serving other countries could be secured for this, we should have nothing to fear in the event of a war. It was not for him to venture an opinion how this was to be accomplished; but whether by an increase of wages, or other means, it would be the best possible economy that could be adopted, and he entreated the Government to direct their attention to the subject. As regarded the question of prize money, he agreed in what had been said by the hon. and gallant Officer; and, anxious as he was to save money to the country, he should be sorry to see those funds go into the Exchequer which, otherwise applied, might have the effect of securing the services of British seamen to the British flag.

Captain *Berkeley* wished to say one word in explanation. He had not, through the whole of his speech, uttered one syllable that might be construed into a proposition for imposing further expense on the country in one way or the other.

Question again put that the Speaker do leave the Chair,

Suppression of the Slave Trade.] Viscount *Palmerston* rose and said: I wish to make one or two observations on a subject to which I called the attention of the House on a former occasion—I mean the Slave Trade. I am induced to do this very much in consequence of the answer which the right hon. Baronet (Sir Robert Peel) gave to the statement I then made, and which answer, I think, was by no means satisfactory. I wish, however, in the first place to request the attention of the House to the annual Slave Trade Papers. This is about the time when the annual Returns are received from foreign stations, and I hope the Papers may be presented at an earlier period than they have been for some years past. Of recent years the Papers have been presented very late in the Session, and sufficient opportunity has not been afforded for giving the documents a deliberate perusal. I know that the right hon. Baronet may tell me that when I was in office the annual Papers were sometimes presented very late in the Session; but during those years we had many difficult and complicated affairs in hand which prevented me from looking over those Papers as early as I could have wished, and no such conferences or negotiations are now going on. Passing that

by, I am sorry to say, with regard to the general subject, that the answer of the right hon. Baronet on a late occasion only went to confirm the opinion which I am afraid everything that has happened during the last three years has tended to create; namely, that with regard to the Slave Trade, Her Majesty's present Government have occupied themselves during the period they have been in office, not only in undoing much that had been accomplished by those who went before them, but actually in defeating some of the things which they had by some accident accomplished since they themselves had come into power. The two means by which all former Governments of this country have endeavoured to put down the Slave Trade have been, first, entering into Treaties with the Powers whose subjects carried on the Slave Trade, stipulating that such Powers should bind themselves to prohibit and prevent their subjects from engaging in the traffic; and, secondly, by forming Treaties by which the mutual Right of Search should be given. The first means tended to prevent the Slave Trade from being carried on in those countries where the slaves were sold and employed. The latter tended to give to the British Government the means of preventing the transport of slaves across the sea, if the Governments with whom the Treaties were made should evade or disregard the obligations they had entered into to prevent their subjects from slave trading. It was obvious to everybody that long-rooted habits could not at once be overcome by mere diplomatic engagements; the British Government could not, therefore, trust entirely to the efficacy of the Treaty engagements of Portugal, of Spain, or of Brazil, to put an end to the Slave Trade; hence the necessity of other means for suppressing that traffic. Now, what were the means in existence for putting an end to the Slave Trade at the time when the late Government came into office in 1830? Declarations against the Slave Trade had been obtained from most of the Powers of Europe at the Congresses of Vienna and Verona, of 1815 and 1822; but they were merely announcements of the principle that the traffic in slaves ought to be suppressed, and were unaccompanied by any provision of means for carrying those declarations into effect. There had been, however, Treaties concluded with Foreign Powers for the purpose of suppressing the Slave Trade, which gave British cruisers a Right of Search, calculated to enforce the obligations contracted by those Treaties. Before the year 1830, we had Treaties on these matters with twelve Powers. We had Treaties with Denmark and with the United States. These were entered into in 1814; the first in January, the last in December. These Treaties contained only general engagements. The Treaty with Denmark stipulated in general terms, that the King of Denmark should prohibit his subjects from taking any share in that trade; and the engagement of the United States was contained in the Tenth Article of the Treaty of Ghent, by which the United States bound themselves to use their best means to put an end to the Slave Trade; but neither of those Treaties contained any means for enforcing the fulfilment of their conditions. We had also a Treaty with Portugal, entered into in July 1817, but that Treaty gave England no power to enforce its observance south of the equator. We had likewise a Treaty with Spain, also entered into in 1817, but which was liable to the same objection as that with Portugal, giving no power to search vessels south of the equator. Again, there was a Treaty with the Netherlands, and with Sweden, and also with Brazil, more complete in their stipulations. There were also Treaties bearing on this subject with Algiers, with Tripoli, with Tunis, with Madagascar, and with the Imaun of Muscat—the Treaties with Tripoli and Tunis, had chiefly in view the abolition of the practice of making slaves of Christian prisoners. These Treaties, twelve in number, existed when the late Government came into office. Now, what did we do when we came into power? Why, we concluded no less than eighteen Treaties with different independent Powers in various parts of the world for the suppression of the Slave Trade. We entered into a Treaty with France; into additional stipulations with Denmark; we also concluded a Treaty with Sardinia; a further Treaty with Spain, with Sweden, and with the Netherlands. We made a Treaty, also, with the Hanse Towns, with Tuscany, with Naples, with Chile, with Venezuela, with Buenos Ayres, with Uruguay, with Haiti, with Muscat, with Bo-

livia, with Texas, and with Mexico. From Portugal we were not able to procure an additional Treaty; although she was bound by her former engagements to conclude one; but we passed an Act of Parliament which gave us all the power which we were entitled to ask by Treaty. In all, we concluded eighteen Treaties; besides the Act of Parliament in regard to Portugal. The great object in these Treaties was to obtain the mutual Right of Search. We knew that unless all the Powers having flags upon the ocean joined in this arrangement, our endeavours would not be entirely successful. Our great object, therefore, was to enlist into this league every Power which had a flag upon the sea. I think I have shown that the late Government were not inattentive to their duty on this point. There were, besides, Treaties made with African chiefs, binding them to put an end to the Slave Trade in their respective territories on the African coast. Six Treaties were entered into with those chiefs in 1841, namely, with the chiefs of Timmanys, Bonny, Cartibar, Cameroons, Aboi, and Egarra. Besides this, we succeeded in obtaining the liberty of many British subjects who had been illegally detained in slavery, especially in Cuba, who had been either kidnapped from Sierra Leone, or having been taken by their former British owners from some British colony against law to Cuba, had been illegally sold there. We frequently urged the Governments of Spain and of Brazil to give real liberty to the negroes called emancipados, who had been pronounced free by the Mixed Commissions; but who were still retained in a state of slavery. And we also required those two Governments to concert with us measures for giving effect to their own laws issued in pursuance of their Treaties with Great Britain—laws by which every negro who, after a certain time long since gone by, had been landed in the territory either of Spain or of Brazil, was *ipso facto* free. That was the sum and substance of the steps which we took upon this subject while we were in office. Besides the Treaties which I have mentioned, we had negotiated and all but signed a Treaty by which the Five Great Powers of Europe were combined for the suppression of the Slave Trade—an object which at the Congress of Vienna in 1815, was anxiously sought to be obtained even by large sacrifices on the part of Great Britain. Now what has been done by the present Government since they came into office? Why, they have not concluded one single Treaty of their own with any Government. No; not one. They have signed two Treaties; but they were Treaties which they did not negotiate. The Treaty with Portugal was a mitigation of, and substitute for, the Act of Parliament which we had passed; and was, in fact, the very Treaty which we had proposed to Portugal, and her refusal to accept which, had been the groundwork of our Act of 1839. The Treaty between the Five Powers signed in December, 1841, had been negotiated by us; and I give them no credit for signing it, because the delay in signing it, arising solely from their not attaching due importance to the subject, was the real and original cause of the non-ratification of that Treaty by France. If they had signed the Treaty within a reasonable time after their coming into office in the beginning of September, 1841, the Treaty would have been ratified, because the period assigned for ratification would have expired before the Chamber of Deputies met; and those intrigues which finally prevented the ratification could not have been resorted to. That was the first backward step of Her Majesty's present Government. The consequence of that non-ratification was, that they failed to attain the accession of the kingdoms of Hanover, Belgium, and Greece to the general league against the Slave Trade; and thus these flags are still left open to the carrying on of that detestable traffic. I always said that such would be the consequence of the non-ratification by France The right hon. Baronet (Sir Robert Peel) admitted that it has been so. I asked the right hon. Gentleman why the accession of those three States to the Treaty which had been concluded with Austria, Russia, and Prussia, had not been obtained; and he stated that after the refusal of France to ratify that Treaty, it was not thought expedient to ask the accession of those three other Powers. I do not see the conclusiveness of that argument. Does Her Majesty's Government assume, then, that the influence of France in Europe is so much greater than the influence of England, Austria, Russia, and Prussia combined; that when those small Powers of the second order were asked to accede to a just and righteous

engagement with them, the counter influence of France, wrongfully exerted to prevent the suppression of the detestable crime of making a traffic of human beings, is to be paramount to the moral influence of the other Four great Powers? That certainly would be an opinion by no means complimentary either to those Four great Powers, or to the three States to which the invitation should have been given. But even if that reasoning was just in regard to Belgium and Greece, why was it to be supposed that Hanover is to be so entirely absorbed and drawn into the vortex of France? Why should it be thought that to Hanover the invitation of the Four Powers would have been addressed in vain? I think Her Majesty's Government to blame for not having addressed that invitation to Hanover, and the other two States. It was their duty to have taken every step to gain the accession of every Power to the league. It would have shown a more becoming sense of what was due to the great cause of which I am speaking, if the Government had made the invitation, and have left the three States to give their reasons for not acceding to it. But if the course which the Government pursued be granted to be good, and if the refusal of France to ratify the Treaty was a good reason why you should abstain from attempting to get the accession of these three Powers to the League; then, on the other hand, it adds to the reasons which have led me to condemn the silence of Her Majesty's Government upon this breach of engagement on the part of the Government of France. We know on the best authority—for it was stated by the French Minister in the French Chambers—that his refusal to ratify a Treaty which he himself here, as Ambassador, had negotiated and settled, and which afterwards, as Minister for Foreign Affairs, he had specifically instructed the Ambassador of France at this Court to sign, was not met by any remonstrance or complaint on the part of the British Government. Looking at the transaction merely as a matter of diplomatic precedent, it was the duty of Her Majesty's Government to have recorded a protest againt that refusal; and when it is seen that this refusal of France to ratify has had the effect of leaving three European flags open to the abuse of carrying on this nefarious traffic, it becomes a matter of still more serious concernment. This, then, is the result of the policy of the present Government with regard to the Slave Trade, as it concerns the European Powers. Then we come to the Ashburton Treaty, or capitulation, as it has been justly termed. By that Treaty Her Majesty's Government have let the United States out of the engagement contained in the stipulations of the Treaty of Ghent. The Treaty of Ghent stipulated that the two Governments of America and England should use their best endeavours to bring about the abolition of the Slave Trade. But by this Ashburton Treaty we accept, as a fulfilment of that engagement, an undertaking to send out five sloops of 16 guns each for the purpose of watching the Slave Trade along the whole coasts of Africa, Brazil, and the West Indies. Five such ships, it appears, are all that are to be sent by the United States upon the Slave Trade prevention service. Five sloops, of 16 guns each, are the whole force which is to be sent out to watch the abuse of the American flag along that immense line of coast; and this we accept as the "best endeavour" which the United States can make to cooperate with us for the entire abolition of the Slave Trade. That, surely, is not the best endeavour which the United States could make. It is difficult to conceive any endeavour at all which would not have been more effectual. This was bad enough; but there was another stipulation of the Treaty between England and America, by which the two parties bound themselves to make representations and remonstrances to the Governments of those countries which, by continuing to afford in their territories a market for slaves, held out inducements to others to pursue the crime of slave trading. Here, then, was something which Her Majesty's Government had to do, arising out of their own engagements. The former thing which they had to do, was to invite Belgium, Hanover, and Greece to accede to the Treaty with the Five European Powers. That was an obligation arising out of a Treaty which we had negotiated: they indeed signed our Treaty, but they declined to fulfil its obligation. Well, here was another backward step. The Treaty of Washington contained an engagement that the two parties to it should unite in making remonstrances and representations to the Powers of Brazil and Spain, on the subject of the

Slave Trade, they being the Powers to whom the engagement referred. What did the right hon. Baronet (Sir R. Peel) state to me the other night? He stated that the British Secretary of State and the American Minister had had conferences upon the subject, and that they had at last come to the conclusion that it would be more agreeable to Brazil and to Spain that the representation should not be made jointly; that a joint representation might appear like dictation; that it would wound the national pride of the Governments to whom the representations were to be addressed; and therefore, they agreed to disregard that Article of the Treaty, and to make their representations separately. I never heard a reason which appeared to me to show so little earnestness in the matter to which it related. They determined not to make joint representations for fear of wounding the dignity and hurting the feelings of the Governments of Spain and Brazil! This of course meant that they were afraid of doing anything which might be disagreeable to the feelings of General Narvaez at Madrid, of General O'Donnel at the Havana, and of Senhor whoever he may be, who for the moment conducts the foreign affairs of Brazil. Here is a Government professing an anxious desire to suppress the Slave Trade, and yet abandoning the means resulting out of one of their own stipulations, because its exercise would not be agreeable to the slave-trading and Slave Trade-protecting and encouraging parties! Why, Sir, the value of the representation depended upon its being calculated to do what the right hon. Baronet calls wounding the feelings of the parties. The value of the representation depended upon its having somewhat of a dictatorial character; and in this respect the weight and force of the representation consisted in its being made jointly. Every one who knew the nature of international relations, and the effect of communications between Governments, must know that the representations made by two or more Governments jointly are very different from a representation made by one Government alone, or by two Governments separately. A joint representation is an indication of a unity of purpose, which may lead to unity of action between the two parties; whereas, separate representations indicate separate views which may by possibility never lead to combined action. It was the very circumstance of the weight which the joint representation would have carried with it that would have made it disagreeable to the Governments of Spain and of Brazil. I can assure the right hon. Gentleman (Sir Robert Peel), that if the line of conduct to be pursued by Her Majesty's Government in respect to the Slave Trade is to be regulated by a regard to the feelings of the Governments of the slave-trading countries—if their proceedings on these matters are to be guided by a consideration of what is agreeable to the Governments of Spain and Brazil, they might as well abstain from writing any more despatches, or taking any more steps for the abolition of the Slave Trade, and they may at once allow the slave traders to go on in their own way, and they may as well permit Spain and Brazil to go on as they like inviolating the Treaties they have entered into with us. Any representation henceforth made to obtain from them an effectual performance of their engagements will be represented by them as offensive to their dignity, and as an infringement upon what the Spanish call the "decorum" of independent nations. Here, again, the only forward step which the present Government had taken for the suppression of the Slave Trade, they themselves, upon consideration, have abandoned and retraced. Well, then, what have they done with regard to the liberation of British subjects from Cuba and Surinam? Why, they determined that they could not be justified in requiring the liberation of any British subject detained in slavery in Cuba or in Surinam, unless it could be shown that such British subject was born free, or had been actually in a British territory at the time the Emancipation Act was passed. Such a doctrine seems repugnant to every notion of common sense and common justice; but it is, moreover, a doctrine not borne out by their own acts. Notwithstanding, and in spite of this slavish doctrine, it appears that Her Majesty's Government have demanded and have obtained the liberation of some negroes which had been kidnapped from Jamaica. Their acts seem in this respect to have been better than their theory; and I trust this slavish doctrine of theirs will not be maintained. But we held a very different doctrine. I, on the 26th of August, 1841, addressed a despatch to

Mr. Aston, the British Minister at Madrid, in which I stated—

"You will further state that it appears that there are many British subjects now held in slavery in Cuba, and as it is impossible that Her Majesty's Government can permit any British subjects, be their colour what it may, to be held in slavery in a foreign country, Her Majesty's Government claim and demand as a right from the Government of Spain, that all such persons shall be immediately released, and shall be placed on board the *Romney*, under the care of Mr. Turnbull, the superintendent of liberated Africans, in order to their being sent back to Jamaica, or such other British Colony as they may choose to go to. You will observe, that the fact that any such persons may happen to have been slaves in a British Colony at the time when they were taken from thence and carried to Cuba, can make no difference in the matter, because, in their removal from a British Colony as slaves was illegal, and because, they would now have been by law free if they had remained in a British Colony; and it cannot be admitted that their illegal removal to a Spanish island should deprive them of that liberty which the law of England has conferred upon them. You will add, that Her Majesty's Consul at the Havana has been instructed forthwith to take all the steps which may be necessary for finding out all the British subjects in Cuba who are thus illegally detained in bondage, and to apply to the Governor for the release of all persons whom he may discover to be so detained; and Her Majesty's Government request that the Government of Spain will immediately send the most positive orders to the Governor of Cuba to afford to Her Majesty's Consul every possible facility in pursuing his investigations; and to deliver over to him all persons who may appear to be British subjects, and to be so detained in bondage."

That was the opinion which I entertained upon this matter in 1841, and which I entertain still; and I think that Her Majesty's Government have acted very hastily, and without adequate consideration, in adopting the opinion that they ought not to claim the freedom of any British subject now held in bondage in any Spanish Colony, unless it can be shown that such British subject had been carried thither since the Emancipation Act, or was free previous to that Act, and that they have not shown that strong feeling in favour of the liberty of Her Majesty's subjects, by which the Government of this country ought always to be inspired. Then, with regard to the emancipados, I should be glad to see by the Slave Trade Papers now about to be laid before us, whether since the recall of General Valdez from Cuba, every success has attended our efforts to obtain real freedom for that wretched class of men. Then, with regard to another demand, which was made by us, that there should be a joint Commission to inquire into the cases of the negroes brought into Brazil and Cuba against the law of those two countries, and who are, therefore, by that law entitled to their freedom. With regard to that application, Her Majesty's present Government at once, on the first refusal given to them, intimated that they did not intend to press that demand. Now, I say, that even if they had been convinced that to have enforced the demand with respect to the negroes already so imported would have been attended with any internal convulsion which they did not wish to risk, which, however, I do not admit, still they ought to have made, and were entitled to have made, the demand prospectively, and to have insisted that such an investigation should for the future be established. The Government, then, have added nothing to the means which the Treaties, existing when they came into office, have given to this country to prevent the Slave Trade; but they have, by the various steps which they have taken, gone backwards instead of forward, and have diminished in a great degree the means which former Governments had obtained for the suppression of that trade. I suppose we shall very soon be informed what is the result of the negotiations which have been going on between the two Commissioners — one appointed by our Government, and the other by the Government of France. We are, as far as the public are able to make any conjecture upon the subject, led to believe that one result of the negotiation will be, the returning to one of those measures which the late Government adopted with the greatest success, and which the present Government, in its eager haste to

undo every thing which their predecessors had done, had directed the Admiralty to forbid. We are told that the chief measure to be adopted for the suppression of the Slave Trade is the destruction of the baracoons and the blockade of the ports on the African coast. Now, is that the arrangement to be adopted? It will be rather curious if it is. I ask the question, because one thing which the Secretary of State for Foreign Affairs directed the Admiralty particularly to attend to was, not to attempt to blockade any of the ports or coasts of Africa. But should these be the means to be pursued, I shall not quarrel with Her Majesty's Government. I promise not to taunt them if they do adopt the system of blockading the coast, and of destroying the baracoons. I have no doubt that if these means are adopted with energy, they will produce very great and important effects. But, Sir, we have heard within the last few days that another event has taken place with regard to this matter, and that the Government of Brazil have intimated to Her Majesty's Government that the Treaty of 1826, as far as regards the mutual Right of Search, and the establishment of Mixed Commissions, is at an end. I should be anxious to hear from the right hon. Baronet whether that is so. If it be so, I think the Government cannot be at a loss for a good answer with which to meet any such declaration. Until I hear that the Brazilian Slave Trade is really abolished, in the only sense in which the Treaty of 1817 between Portugal and England can be reasonably construed — namely, that that traffic should not be merely prohibited, but should actually be put an end to, the assertion that the Treaty, and the Mixed Commissions, and the mutual Right of Search, are at an end, does not deserve serious refutation. But even if the Brazilian argument were good, and if the Mixed Commissions and the Right of Search, under the Treaty of 1826, were no longer in force, still the stipulation of that Treaty continues in force, by which the Government of Brazil bound itself to prevent and utterly to abolish the Slave Trade by its own subjects, and declared, that the carrying on of that Trade either directly or indirectly by any of its subjects, should be deemed and treated as piracy—and this, of course, not by their own Government only, but by either of the contracting parties—I say that that stipulation would be quite conclusive upon the point to which I have referred, even if the other argument which I hold to be bad were as good as it is inconclusive. But I must say, that if the Government of the United States and the Government of England had, according to the engagement of the Treaty of Washington, made strong and joint representations two years ago to the Government of the Brazils, on its flagrant violation of Treaties, and on the open pursuit of that traffic which the Brazilian law has stigmatized, and has threatened to punish, I cannot but think that such representations would have had considerable effect on the Brazilian Government, or at least would have placed our Government in a different position from that which they would now occupy, in case any necessity should arise for entering into a conflict with the Brazils upon this subject. I hold that we have a right by Treaty to exact from the Brazilian Government the suppression of the Brazilian Slave Trade. But only see what has been the course of the present Government in its communications with Brazil upon this subject. It really does seem to me, that if Her Majesty's Ministers had determined on doing every thing they could do which, under the appearance of being hostile to the Brazilian Slave Trade, would, in reality, have the effect of preventing the Brazilian Government from fulfilling its engagements upon that subject, they could not have adopted a course more ingeniously calculated for their purpose than that which they have pursued. One of the first things they did was to send out a mission to Rio Janeiro, for the purpose of entering into negotiations for the renewal of a commercial Treaty between the two countries; and, as I have been informed—and I have never heard it denied—the condition which our Minister was instructed to propose as a *sine qud non*, in return for the future admission of Brazilian sugar into this country, was not that the Brazilian Government should more scrupulously perform their Treaty engagements with respect to the Slave Trade, but that they should pass some law with regard to the condition of slavery in the Brazils. It has been said that you might as well ask the country gentlemen of England to pass a law giving a free trade in corn; but that was but a weak mode of

expressing the inconceivable absurdity of the proposal to which I have referred. Any one who has the least knowledge of the state of public feeling in the Brazils, must know that to send out a negotiator to propose such a condition as that, was to render the success of his mission morally and absolutely impossible. If we are to abstain from a joint representation with America to Brazil against the continuance of a crime which the law of Brazil itself has denounced, and which a solemn Treaty binds Brazil to put down—if delicacy towards the Brazilian Government is to prevent us from taking such a step, what chance was there of our succeeding, when we proposed a condition warranted by no Brazilian law and borne out by no Treaty, but was sure to be deemed an insult by the whole people of that country— which was an interference in their domestic and municipal affairs; an interference by which we were to call upon them not to enforce a law which they themselves had passed, but to pass a new law at variance with all their prejudices, all their habits, all their feelings, and, as they would think, all their interest? That proposal was never actually made; because the Brazilian Government, choosing probably to anticipate it, made beforehand a counter proposal, nearly as inadmissible by us; and the negotiation thus failed at the outset, and never got to the point at which our inadmissible proposal could have been made to the Government of the Brazils. But here we are, on the one hand, supporting a great domestic monopoly, and inflicting injury on our commerce, and privation on the people, by excluding Brazilian sugar, under the pretence that we are so anxious for the abolition of the Slave Trade, that we cannot bring ourselves to admit Brazilian sugar into our markets, unless the Brazilians will alter and qualify the state of slavery within their territory; while, on the other hand, we are so excessively scrupulous about giving the least offence to the Brazilian Government, that we will not make up our minds even to address a joint representation with the United States, urging that Government to execute its own laws, and to fulfil its own engagements, lest by taking that small step towards the suppression of the Slave Trade, we should hurt the feelings of the Cabinet of Rio Janeiro. I certainly cannot reconcile the profession, that this exclusion of Brazilian sugar is founded on an aversion to the Slave Trade, with the declaration that the reason why no step was taken in conjunction with the American Government, for the purpose of remonstrating with the Government of Brazil, however effectual such a step might have been, was, that such a joint remonstrance would have hurt the fine feelings of the Brazilian Government. Sir, I have stated, therefore, what the last Government did, and what the present Government has undone. What the present Government has done, has been all in the wrong way; they have not advanced one step towards the suppression of the traffic. What they are now about to do with France may be a step in the other direction; but if they agree to abandon the mutual Right of Search with France, I will just ask on what ground they will demand to continue it with any other country, not carrying on the Slave Trade? If they give it up in the case of other countries, just as much entitled to demand the concession as France, they will open wide fresh doors to Slave Trade, and the result will be that the crime will increase with fearful rapidity. I hope Her Majesty's Government may, upon further consideration, and on having their attention more drawn to the subject—to which, perhaps, they have not, from the pressure of other matters, given that full attention which it so justly deserves—I hope they may, in future, take a more lively interest in this matter than they seem to me as yet to have done. I am perfectly certain that if the British Government shows itself in earnest in the matter, and both willing and determined to employ all its means of political influence, and of physical coercion, with a steady and firm determination, it may succeed — not in entirely extinguishing the traffic—that I am afraid can never be done as long as the condition of slavery exists—but in bringing it into a very narrow compass compared with its present enormous extent. Sir, I stated to the right hon. Baronet a short time ago, that the Return presented of negroes landed since 1815, on the continent and islands of America, was exceedingly defective. I should be glad, if it were in the power of the Foreign Department to furnish a more correct Return, to be presented with the Slave Trade Papers. The time is now come when the annual Papers ought

to be prepared; and I hope that they may be laid on the Table of the House —within such a period as to give everybody who may choose to attend to them an opportunity of making during the present Session any observations upon their contents which he may think to be necessary.*

Sir *R. Peel:* Sir, with respect to the period at which the Slave Trade Papers for the present year should be presented, I certainly have a confident hope that they will be presented at an earlier period than the noble Lord was in the habit of presenting them. I believe during the noble Lord's tenure of office they were very rarely presented before the concluding part of the Session, owing, no doubt, to the claims which the other duties of the office made on the noble Lord's time. I assure the noble Lord that the business of the Foreign Office has not diminished since he left, and if that excuse were to prevail, it would be valid on the present occasion. But although the business of the Foreign Office has not diminished, yet I hope the Slave Trade Papers will be presented at an early period; and it will then be seen from the perusal of those Papers whether the noble Lord's imputations on the present Government, of lukewarmness and indifference with regard to the continuance of the Slave Trade, is well founded or not. The noble Lord will then have an opportunity, if he thinks fit, of bringing forward any Motion criminating the Government—a better mode, I cannot help thinking, of testing the opinion of the House with respect to the conduct of the Government, than to make, as the noble Lord has so frequently done, speeches on the general subject, not leading to any issue. The noble Lord, on the present, as on several former occasions, has passed a very warm, and I am bound to say a merited eulogium on himself, on account of the efforts which he has made for the Suppression of the Slave Trade. I never denied his merit. I believe his labours have been most assiduous and successful for the suppression of that traffic. I give him full credit for his exertions; but he seems to think that his merits in this respect have not been sufficiently admitted by this House and the public, and so about once in every month he takes an opportunity of calling our attention to them. Two or three times in the course of every Session he reminds us of all the Treaties which he made with African princes, his Treaty with the Imaum of Muscat, and not only the original Treaty, but some addition to it, which was the means of conferring the greatest possible advantages on humanity and the civilized world in general. The noble Lord alluded to some points on which he knows I am precluded from entering, namely, the pending negotiations with France. The time must shortly arrive when the course pursued by Her Majesty's Government will be made known to the House, but in the meantime the noble Lord is aware that my lips are sealed. I am pretty confident the noble Lord expects that there is some arrangement about to be made with France which will be much more successful for the suppression of the Slave Trade than any now in force. He seems to think that by means

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* The following concluded Treaties were referred to by Lord Palmerston in his speech:—

BEFORE 1830.

Denmark (general art.)	January, 1814
United States (Ghent)	December, 1814
Portugal	January, 1815; July, 1817
Spain	August, 1814; September, 1817
Netherlands	May 1818
Additional Article (no slaves on board)	December, 1822
Additional Article (Equipment)	January, 1823
Sweden (with Equipment Article)	November, 1824
Brazil	November, 1826
Algiers, Tripoli, Tunis	April, 1816
Madagascar	October, 1817; October, 1820
Muscat	September, 1822

SINCE 1830.

France	November, 1831; March, 1833
Denmark	July, 1834
Sardinia	August, 1834
Spain	June, 1835
Sweden	June, 1835
Netherlands	February, 1837
Hans Towns	June, 1837
Tuscany	November, 1837
Naples	February, 1838
Chile	January, 1839
Venezuela	March, 1839
Buenos Ayres	May, 1839
Uruguay	July, 1839
Haiti, Muscat	December, 1839
Portugal (Act of Parliament)	1839
Bolivia	September, 1840
Texas	November, 1840
Mexico	February, 1841

18 Treaties.
1 Act of Parliament.

SINCE AUGUST, 1841.

Austria, Russia, Prussia	December, 1841
Portugal	July, 1842
United States	August, 1842

REMAIN NOW WITHOUT TREATIES.

Belgium	Hanover	New Granada
Greece	Oldenburgh	Peru

TREATIES WITH AFRICAN CHIEFS.

Timmanus	Feb. 1841	Cameroons	May, 1841
Bonny	April, 1841	Aboi	Aug., 1841
Cartibar	April, 1841	Egarra	Sept., 1841

of a blockade of the coast, and Treaties with the native powers on the coast, we shall be enabled consistently with the law of nations to destroy the baracoons; and that if such a course should be taken, the joint action of France and England in a vigorous attempt to suppress the Slave Trade would be most successful and effectual. This being the case, I am sorry to see the noble Lord attempt to spoil the effect of such a combination by a premature discussion. It is quite clear that the noble Lord anticipates the most beneficial effects from the pending negotiations. The noble Lord asks whether it is true that Brazil has notified to the British Government that she considers the subsidiary Convention, which was to be in force, I think, for fifteen years, for the suppression of the Slave Trade, at an end. The noble Lord has been rightly informed. The Brazilian Government has thought fit to signify that it does consider that Convention thus enduring for fifteen years after the year 1830 is at an end. The state of the case is this. Our original Treaty was with Portugal, Brazil being at that time a dependency of Portugal, and being bound in respect to the Slave Trade by the engagements entered into with us on the part of Portugal. In 1825, I think, the separation between Brazil and Portugal took place, and Brazil in 1826, on her separate account as an independent state, entered into an engagement with this country to the same effect as that previously existing with Portugal for the suppression of the Slave Trade. I think Brazil, within three years after the ratification of the Treaty, was bound to declare the suppression of the Slave Trade, that is to say, its suppression by law, not, I am afraid, its actual practical suppression. That brought us to the year 1830; and afterwards there was a Convention of, I think, rather doubtful import, as to whether or not after a lapse of fifteen years after that period of its suppression by law, Brazil had a right to declare the Subsidiary Convention at an end. If she had such a right, the period for the termination of the Subsidiary Convention arrived, I think, on the 13th of March last. It appears that she does consider herself at liberty to declare that Convention at an end; but, as the news only came by the last mail, the noble Lord will not expect from me a declaration of a positive opinion as to whether Brazil is justified in the course which she has thought proper to adopt. But whether she declares that Convention at an end or not, she is bound by engagements of permanent operation. Brazil and this country have a Convention, signed on the 23rd of November, 1826, which provides—

"That three years after the exchange of the ratifications it should not be lawful for the subjects of the Emperor of Brazil to be concerned in carrying on the African Slave Trade under any pretext, or in any manner whatever; and that the carrying on of such trade after that period by any person, a subject of Brazil, should be deemed and treated as piracy."

That is an engagement which is at present in force. I abstain on the present occasion from expressing any opinion as to the ability of Brazil to declare at an end the Convention which accords the appointment of a Mixed Commission. I have the satisfaction of knowing that there is that other Convention, which cannot be terminated by any act of Brazil, remaining in force, which declares the carrying on of the Slave Trade by a subject of Brazil to be an act of piracy; that is not merely a law of Brazil, but an engagement with the Government of this country, that such an act shall be considered an act of piracy. The noble Lord has referred to the answer which I gave him on a former night with respect to the operation of the Treaty which was signed by Five Great Powers of Europe, and which was ratified by four out of those Five Powers in 1840. I have only to state now what I stated then, that France having refused to ratify that Treaty, it became a matter of serious consideration whether it were politic to exercise the power which those who had ratified it undoubtedly had under the Treaty to invite the other maritime Powers of Europe, not being parties to the Treaty, to concur in the obligations of it. I will not on this occasion enter into the circumstances which induced France to refuse her ratification. The House will be aware what were the political circumstances, unconnected with any question of the Slave Trade, which induced her to adopt such a course. The noble Lord cannot be ignorant of the circumstances, counected, as they notoriously were, with the transactions which took place in the summer of 1840, with the Syrian campaign, and with the termination of that friendly alliance which previously existed between France and this country. I forbear to enter into the consideration of these

circumstances. I forbear to discuss now who was the party, or with whom rests the blame of that termination. There cannot be a doubt, however, that political considerations connected with the Treaty of July, 1840, and the proceedings adopted by this country in reference to the Syrian campaign, were the real cause why France declined to ratify the Treaty. The noble Lord makes us responsible for the delay with respect to the signature. I assure the noble Lord that we are perfectly free from any such blame. We succeeded to power in August or September, 1841, and it was not through any negligence on our part that the signature of France was not attached to the Treaty. Circumstances occurred in the Chambers which prevented the ratification. If the noble Lord thought we laboured to obstruct the ratification of the Treaty, why did he not at the time make some Motion calling the attention of the House to the circumstances. The noble Lord says we made no remonstrance. We did every thing we could to impress on France the duty which she owed to the cause of humanity, to ratify, by her signature, the Treaty to which she had been a party. The question is, whether we were entitled to insist on its ratification? We certainly thought we were not, either by past usage or anything in the law of nations; and, not being entitled, it became, of course, a question in what manner we should direct any remonstrance against the act of a country which had thought fit to exercise a power to which we thought her entitled to resort. But, as to our passiveness and indifference, and our acquiescence in the refusal of France to ratify the Treaty, the noble Lord labours under a most erroneous impression. The Government of France did refuse to ratify the Treaty; it became the subject of eager debate in a popular assembly; and that assembly prevented the Executive Government, which was well inclined to the Treaty, from ratifying it. Placing a remonstance against it, and exercising that power which popular assemblies will occasionally exercise, they induced that Government to decline to ratify the Treaty which had been signed. France not having ratified the Treaty, it became a question for our consideration whether it would be politic to invite the three Powers contemplated by the Treaty—namely, Belgium, Hanover, and Greece, to concur in its engagements; the Slave Trade, in point of fact, being carried on on the Coast of Africa by none of these Powers, their flag never having been used to cover the traffic. I do not deny the advantage in point of moral impression of procuring their sanction to a reciprocal Right of Search; I think it of advantage that all the Powers of Europe should concur, even when the flags of those Powers may not be used for carrying on the Trade; I do not deny that a general protest against the Slave Trade would be of great public advantage. But we had to consider what would be the most desirable immediate practical course. It became a question, after the refusal of France to ratify the Treaty, whether or not a greater probability of advantage presented itself in an appeal to those Powers. We had to set against the advantages of that moral impression the disadvantages of the possible refusal on the other part to concur in our demand; and it was thought at the time inexpedient, after the example set by France, to call on Belgium, Hanover, and Greece, to concur in the engagements of the Treaty. But the noble Lord says, he always foresaw, after the example set by France, that great difficulty would be found in procuring the assent of these Powers; and that he was very much afraid that the refusal of France to ratify the Treaty, would not be confined to France. The noble Lord thinks that that part of the Treaty which enabled the concurring Powers to call on Belgium, Hanover, and Greece to acquiesce in its provisions, might be nullified by the refusal of France to ratify. Such was the noble Lord's impression, and he can, therefore, well estimate the motives of those who, after such refusal, thought it inexpedient to address themselves to those Powers. I am not prepared to say, that Hanover would not have acquiesced. The noble Lord says, "Why not appeal to Hanover?" But if Hanover had consented, and Belgium had declined, I still must think the advantage gained on one side would have been more than counterbalanced by the disadvantages on the other. The noble Lord has referred to the Treaty with Brazil. The noble Lord says, "You have done nothing yourselves, and you have undone what others had done." It is very easy for the noble Lord to make these charges; but I will refer to the Slave Trade Papers, already presented to the House, and to those which

will shortly be presented; in those will be found the best evidence whether the present Government have been indifferent to the suppression of this infamous traffic. The noble Lord says, we have not even gained what was intended by the Treaty of Ghent, and talks about the eighty guns sent by the United States to the Coast of Africa, to suppress the Slave Trade. What did the noble Lord gain under the Treaty of Ghent? Did he get one gun sent by the United States to the African coast? I must assert, that we have procured a more active co-operation on the part of the United States for the suppression of the Slave Trade than the noble Lord was able to obtain, during his whole tenure of power, under that Treaty. The noble Lord talks of the unjust stipulations of the Treaty of Washington, which he again designates "a capitulation," when the very latest intelligence from the United States tells us that in that country they are applying to their own Government precisely the same terms. I assure the noble Lord that there are Palmerstons in the Congress of the United States who charge their Government with having made a capitulation, and state, that if certain documents had been produced two or three months ago, it would have been impossible for the Convention to have been signed. Therefore, I hope the noble Lord will no longer persist in so describing the agreement made by my noble Friend, which received the cordial sanction of the House, who, I hope, will not take the character of that most difficult and, as I think, successful negotiation from the noble Lord, who is evidently more mortified by that than by any other act of his successors, especially when the House recollects that my noble Friend, Lord Ashburton, had not only to effect that arrangement with the general Government of the United States, but that two of the States of that great country, Maine and Massachusetts, had the power, by withholding their assent, to interpose difficulties which it would have been almost impossible to overcome. Bearing this in mind, I cannot think that the great majority of this House will lightly estimate the wisdom and perseverance of my noble Friend, which led to the termination of differences which then threatened the continuance of amicable relations between the United States and this country. I should like to know what we lost by the arrangement. I should like to know whether or not, by removing the risk, which was then imminent, of an immediate hostile collision with the United States, the arrangement made by Lord Ashburton involved a sacrifice, on the part of this country, of her honour, or of anything permanent or valuable. But there was under that Treaty of Washington a power on the part of this country and the United States to make, jointly, representations to other Powers carrying on the Slave Trade. I stated to the noble Lord, that the mode of carrying into execution that engagement had been the subject of conference between my noble Friend, Lord Aberdeen, and Mr. Everett, the American Minister, immediately after the signature of the Treaty. I believe the impression of Mr Webster and Lord Ashburton, at the time of concluding the Treaty, was, that the representations to be made were not to be representations simultaneously and jointly made. The question was considered whether or not we were more likely to operate successfully by uniting in our representations to Brazil or to Spain; those representations being jointly made in the common name of the two countries, or whether we should not better secure our object by leaving each country to take its own course, urging its representations in the way each might think best. The noble Lord says we wished to spare the feelings of Brazil; but that was not our object. We wished to consider the mode by which we were most likely to effect the object contemplated, namely, to impede and annihilate the Slave Trade. If the noble Lord will look at the representations we made to Brazil, he will see that there was no desire on our part to spare the feelings of either Spain or Brazil—he will see the terms in which we address our remonstrance to both these countries. All that will appear in the Slave Trade Papers; and then all parties will be competent to judge whether there has been any desire to consult the feelings of parties who have been carrying on the Slave Trade in defiance of the existing Treaties. Sir, I believe also that the United States were actuated and influenced by no desire to consult the delicate feelings of Brazil. What I stated was this—that the two countries feared if their representations were made conjointly, they would be less effectual in inducing Brazil to observe these Treaties, than if

they were made separately. I think if the noble Lord will refer to the representations of our Minister, and his denunciations of this traffic, his bringing under the notice of the Brazilian authorities their constant infraction of the Treaty, and the constant connivance of the subordinate authorities at the infraction of the Treaty, the noble Lord will see that this country has shown no disposition, but, on the contrary, has used the strongest language, and taken those steps which were best calculated to enforce on the Brazilian Government the moral and political duties which should induce it to adhere to these Treaties. Sir, these were the considerations that induced my noble Friend and the Minister of the United States to abstain from making, in the first place, a joint representation from the two countries. I believe I have replied to the principal observations of the noble Lord. He admits, that with respect to the emancipados, every representation that could be made has been made, so far as may be judged from the Papers. The noble Lord spoke of the representations that had been made to Spain for the appointment of a Mixed Commission in Cuba to put down the Slave Trade. I am surprised the noble Lord should impute to the present Government any indifference to the continuance of the Slave Trade. The noble Lord did make that representation; but at the time he did make it, I think he could not have expected that if that representation did not produce a moral effect in Spain, he had any legal power to enforce it. It might have been wise to do everything in our power to induce them to observe the obligations of the Treaty; but we were advised, in case Spain refused to appoint that Mixed Commission, that we had no power by any engagements entered into, or by the general law of nations, to compel them to appoint the Commission. I am certainly surprised to hear the noble Lord say that he differed from that opinion, which was enunciated by very high legal authority. I quite agree with him in the desire he has expressed to see the suppression of the Slave Trade; but where I differ from him is, that I do not believe that any assumption of authority by this country, which is not warranted by engagements, or by the law of nations, is the most effectual course that might be adopted for the suppression of the Slave Trade. We should make every effort, consistent either with actual engagements or the law of nations, to compel those countries which have engagements with us to observe those engagements; to induce other Powers which have not engagements—to induce them by persuasion, and by every motive which can influence them, to concur with us in a strong effort for the suppression of that trade. Sir, this has been our course; but the noble Lord advises, without reference to engagements, that we should assert our right to compel other Powers to suppress the Slave Trade. On that point I differ from him; and I doubt whether our difficulties, instead of being diminished, would not be increased, if we were to place ourselves decidedly in the wrong, even in enforcing the admitted rights of humanity. Sir, when these Papers are laid on the Table, the House will be able to judge whether the Government is justly liable to the charge which the noble Lord has advanced on various former occasions, and again repeated to-night. If they could be substantiated—if it could be shown that we are indifferent to the suppression of this monstrous evil, so degrading to civilized nations, I should deeply regret that Ministers had laid themselves open to just censure; and in such a case no condemnation could hardly be too severe to inflict on the Government of a country which has made such sacrifices for the suppression, not only of the Slave Trade, but for the abolition of slavery.

Viscount *Palmerston* explained. The right hon. Gentleman seemed to suppose that he (Lord Palmerston) had argued that this country had a right to compel Spain to appoint a Mixed Commission. What he had argued was, that the Ministers should not have acquiesced in the refusal, but have made a counter proposal; nor did he argue that they should violate the law of nations, or do anything which the Treaties did not warrant. His argument was, to have Treaties with the parties, which, if carried faithfully into execution, would tend to suppress the Slave Trade.

Mr. *P. Howard* contended that as that renowned statesman, M. Guizot, had constantly evinced the utmost desire to promote the happiness of mankind, no doubt he would take an early opportunity of doing all in his power to terminate the direful evil of slavery. A decided distinction ought to be made in our conduct to-

wards States which had or had not joined in the hallowed cause.

SUPPLY—NAVY ESTIMATES.] Question put. Mr. Speaker left the Chair. House in Committee of Supply.

Mr. *Corry* moved that 129,092*l.* be granted for salaries and other expenses of the Admiralty Office.

Mr. *Hawes* complained that the Post Office was charged with the expenses of the packet service previously borne by the Admiralty, which caused an apparent loss of revenue under the penny postage system of 113,000*l.* It was an unfair mode of dealing with the case; and he desired to know whether, in future, the cost of the packet department should not be deducted from the Postage Returns. If it were, there would no doubt be an annual increasing revenue apparent in the Post Office.

The *Chancellor of the Exchequer* said, that he had stated on a former occasion, that the revenue derived from the penny postage would be very small; but it was obvious that all the charges incident to the collection of the postage revenue should be deducted from the gross amount. It was thought better that the Admiralty should carry the mails; and consequently the expense transferred to that branch of the service. The Returns objected to by the hon. Member was intended to show the total expense and the balance. He had not, and did not mean to deny, that the Post-office revenue was an increasing revenue.

Mr. *Hawes* argued that the statement wss no answer to his objection. The Return had created a false impression; and no doubt the object of it was to show that the penny postage system had failed.

Sir *R. Peel* said, that he had no notion the hon. Member meant to refer to a conversation which he had with a deputation two years ago; but certainly the hon. Member had wholly mistaken the communication which he had made on that occasion. That deputation had pressed on him the necessity of more frequent deliveries, and he did not, in answer, say that there ought to be no improvements; certainly, nothing was further from his intention than to draw any conclusion unfavourable to the penny postage. He had done all in his power to carry it into effect, as soon as Parliament had sanctioned it, and he should rejoice at its success; but when that deputation had said to him that the receipts of the Post Office amounted to 600,000*l.*, he replied that they were quite mistaken, for that the net revenue was not above 110,000*l.*; and he pointed out to the deputation that they did not set against the receipts the expenses of the packets employed in conveying the letters: he had made it quite clear to the deputation that he was not instituting any comparison between the new and old systems. Rejoicing at the increase in the Post Office revenue, he must still contend that they could not ascertain the net revenue without deducting from the receipts all the charges incurred in the conveyance of the letters.

Sir *Charles Napier* said, he would take advantage of the Navy Estimates being before the House to refer to the constitution of the Board of Admiralty. Its present form arose from his right hon. Friend the Secretary for the Home Department having abolished the Navy Board; and since that change had taken place, he (Sir C. Napier) had repeatedly objected to the constitution of the Board of Admiralty as it now stood. It was his firm conviction that no good could be obtained through the Board while it remained constituted as at present. The responsibility was nominally thrown on the Lords of the Admiralty, each of whom took a different department of the service under his care: but every one knew what that responsibility consisted of. He had been always opposed to the system of having the Navy ruled by a civilian; but if it were to be so he would wish to know why the same system should not prevail in that department which existed under the Ordnance Board. They had the Clerk of the Ordnance, the Surveyor of the Ordnance, and the Storekeeper, all of whom were controlled, or at least, ought to be controlled by the Master General of the Ordnance. Now, they had a Surveyor of the Navy as well as a Surveyor of the Ordnance; an Accountant General of the Navy, whose office corresponded, he believed, with that of the Clerk of the Ordnance; they had also a Storekeeper General in each department of the Navy and the Ordnance; and what he wanted was, that the rule which was applied to the one class of officers should be extended to the other. He would wish to see the Lords of the Admiralty made really responsible. He would place one Lord as a Comptroller

of the Dock Yards, and another as a Comptroller of the Medical Department. He did not wish to have them at all, but if they were to be continued, he was for making them responsible for the duties which they undertook to superintend. It was impossible for the right hon. and gallant Admiral at the head of the Board of Admiralty to perform all the duties that were imposed upon him. He had more duties to attend to than mortal man could get through, and the consequence was, that the work was badly done. ["Oh, oh."] He did not know what hon. Members meant by crying out "oh, oh." What he alleged was proved by the evidence of every day. He therefore trusted that the House would establish a more efficient control over the Navy Board than at present existed, and that the officers of that Board would be made responsible for the offices which they held.

Dr. *Bowring* objected to the Navy Department having the power of receiving as well as of expending funds, and said that the consequence was, that nearly seven millions of money escaped Parliamentary control. In his opinion, it should have no power as a board of outlay, except by direct Parliamentary grant.

Captain *Pechell* said, the gallant Commodore had told them that the consequence of the present constitution of the Board of Admiralty was, that the work performed by it was very badly done; and an instance of the truth of that fact was afforded by the case which he now, pursuant to the notice given by him, brought before the consideration of the Committee. He alluded to the petition of the paymasters and pursers of the Royal Navy, which had been presented by him on the 2nd of April last, and which had been printed with the Votes. A Committee of eminent naval officers had recommended that their pay should be increased 1*s.* per day; but that recommendation had never been fully carried out, the additional shilling having been given to a part only; and the petitioners being of from thirty-one to thirty-six years standing, had found their juniors constantly put over their heads in this as in other respects. The Government had received large sums from the Pursers' Fund, which had never been accounted for. What had been done with this money? Where was it? The arrangement of the Board of Admiralty had worked badly, and why should they not now accede to the wish expressed by the Naval Commission in favour of a body of old and deserving officers? A second memorial had been addressed to the Admiralty by them—but they had received no answer, and they felt this neglect deeply. If the gallant Officer admitted the injustice, and had applied to the Treasury to obviate it, all blame would be removed from the Board of Admiralty, but then it must fall upon the Treasury. These officers only amounted to one hundred in number; and though the Government received 4,000*l.* a year from their profits, yet it refused to give them what they themselves had voluntarily surrendered to their more unfortunate brethren. The gallant Officer concluded by saying, that he would never leave the Chancellor of the Exchequer quiet until he had taken the case of these officers into his consideration, and had required an explanation from the right hon. and gallant Admiral at the head of the Board of Admiralty as to why the recommendation of the Navy Commissioners had not been carried into effect.

Sir *G. Cockburn* said, that in a very few words he would explain how this matter stood. He would place it in its true light. In 1814, these officers had been first put upon half-pay. In 1842, there were nearly 1,000 at 5*s.*, 200 at 4*s.*, and the remainder at 3*s.* They had then proposed that their profits should be reduced, and the Government of that day had accepted their proposal. In 1844, the bargain for an increase of 1*s.* a day was made, and they had for a time received that additional 1*s.* When, however, the Military and Naval Commission had sat, they had recommended that some of these officers should retire at the advanced pay of 8*s.* 6*d.*, and that the remainder should have 7*s.* 6*d.* and 5*s.*; by which means by much the larger number would have a higher rate. The Treasury had then requested, as the condition of their consent, the Admiralty to revise the scale. By that revised scale, there were thirty pursers at 8*s.* 6*d.*, seventy at 7*s.*, and 320 at 5*s.*; so that a large majority had gained the benefit of the advance, and the Treasury had refused to give the advanced rate to the remainder. They had all to some extent benefited by the arrangement; and though he did not deny that there were some thirty or forty pursers surviving who had not received the advance, yet they had gained some benefit

under the arrangement proposed by the Commission.

Sir *C. Napier* would be glad if the gallant Admiral could inform him when the retired list of captains would be placed on the Table.

Sir *G. Cockburn* replied, that he was unable to give an answer as to the period when it would be made public; but the list was now under the consideration of the Government.—Vote agreed to.

On the Motion that 11,668*l.* be granted for the charge of the General Register and Record Office of Seamen,

Sir *C. Napier* hoped that the Enlistment or Register Act would be amended. The Bill gave a bounty of 10*l.* to able seamen on entering on board a man of war, and on the issuing a proclamation in the declaration of war, a further bounty of 10*l.* was to be given; this he thought unnecessary.

Vote agreed to.

Some other Votes having been agreed to, the House resumed.

Committee to sit again.

House adjourned at one o'clock.

HOUSE OF LORDS,

Monday, May 19, 1845.

MINUTES.] *Sat First.* The Earl of Hillsborough, after the Death of his Father.

BILLS. *Public.*—1ª. Railway Clauses Consolidation (Scotland) (No. 2); Administration of Criminal Justice; Civil Actions; Documentary Evidence; Outstanding Terms; Real Property Conveyance; Granting of Leases; Declaratory Suit; Marriage Law Amending; Independence of Parliament.

3ª. and passed:—Exchequer Bills.

Private.—1ª. Heaviside's Divorce; Hemel Hempstead Small Tenements; Ellison's Estate.

2ª. Boddam Harbour; Hungerford and Lambeth Suspension Bridge; Clifton Bridge; Nottingham Inclosure; Winwick Rectory; Rochdale Vicarage (Moleworth's Estate.

Reported.—Birmingham and Staffordshire Gas Light Company; Clerkenwell Improvement.

3ª. and passed:—Pudsey Gas; Liverpool Docks; Molyneux's Estate; Birkenhead Company's Docks.

PETITIONS PRESENTED. From Guardians of Athy Union, for Alteration of Poor Law Act (Ireland) respecting the repayment of Money advanced for building Workhouses.—By Bishops of St. David's, and St. Asaph, Earl of Stradbroke, and Marquesses of Ely and Breadalbane, from Ministers and others of Free Church of Auchtergaven, and numerous other places, against Increase of Grant to Maynooth College.—By Lords Portman, and Monteagle, from Taunton, in favour of Increase of Grant to Maynooth College.—By Marquess of Breadalbane, from Kilsbury, for Inquiry into the Course of Instruction adopted at Maynooth.—By Lord Redesdale, from Protestants and Roman Catholics of Lancashire, for Restricting the Influence of Roman Catholic Bishops and Pope's Vicars, &c.—By Lord Campbell, from Cork Branch of Irish Unitarian Christan Society, for Amendment of Criminal Code.—By Lords Stourton, Ashburton, and Cottenham, from Commissioners of Requests for Horncastle, and from Thomas Probert, of Hillingdon, against Insolvent Debtors Act Amendment Act.—From Knaresborough, for Repeal of 57th Clause of Insolvent Debtors Act Amendment Act, except as to Debts not exceeding 5*l.*—From Ramsgate, and several other places, for Alteration of Insolvent Debtors Act Amendment Act, and for the adoption of Measures for the more easy recovery of Small Debts.—From Nottingham, against the Nottingham Inclosure Bill.

LAW REFORM.] Lord *Brougham* said, he rose to call the attention of the House to a subject which had been so often discussed, that their Lordships were almost all agreed upon its general principles, and only differed as to particulars; he meant, the subject of universal and enduring interest, the jurisprudence of the country. Seventeen years had elapsed since he first called the attention of the other House of Parliament, of which he was then a Member, to the subject, and brought before it many of the gross defects in our system of law, and chiefly as regarded our civil jurisprudence. His statement having met with the support of His Majesty's then Government, it led, in the reign before the last, to the appointment of two Commissions; and very great progress was speedily made in preparing and digesting the measures fit to be taken for remedying the then existing very great evils. One of those Commissions applied itself to inquiring into the transactions of the business of the Courts of Law, and made several most important Reports, which had led to the propounding, and the afterwards carrying out, a variety of most valuable measures for the amendment of that portion of the civil law of the country which related to actions affecting personal rights, and which were commonly called, in the Courts of Law, personal and mixed actions. Another Commission, at the head of which was his noble and learned Friend now a Member of that House, but then filling the office of Attorney General, was directed to inquire into the law affecting Real Property, and to suggest such improvements in that most important branch of the law as, on the result of their inquiries, might appear to them to be safe, beneficial, and practicable. It was wholly impossible for him to address their Lordships upon the subject of those two Commissions, and not to state once more, as he had done formerly, the gratitude which he, in common with every member of the community, must ever feel to the able and learned men who composed those Commissions. Many of them were now raised to the highest stations upon the Bench of this

country. The present Lord Chief Baron of the Exchequer, whom he (Lord Brougham) upon coming into office had added to the first Commission, was long at the head of that Commission; and Mr. Baron Parke, Mr. Baron Alderson, Mr. Justice Wightman, Mr. Starkie, Mr. Evans, and Mr. Sergeant Stephen, were also members of the Common Law Commission. On the Real Property Commission sat most able and learned lawyers and conveyancers, skilled in the law of real property transactions; among whom were Mr. Brodie, Mr. Tyrell, Mr. Duval, Mr. Tinney, Mr. Duckworth (now a Master in Chancery), and others, who brought the assistance of all the light that their learning afforded, and laboured with industry the most exemplary. Among the smallest grounds for the debt of gratitude which he (Lord Brougham) owed, was the fact that his noble and learned Friend at the head of the Commission, who brought to his labours not only his habitual industry, but the great learning and ample experience which he possessed, gave up his time and labour to the duties of the Commission, peremptorily refusing all remuneration; and was only driven, he might say, and compelled to accept it by those who came into office afterwards, and would not allow the public to be served upon those terms. The result of those inquiries had been, a very great change in the law of real property, and the constitution and practice of the courts relative to actions for the recovery and enforcement of rights, and the evidence by which those rights were to be tried before juries; and there never was a greater error committed than he had seen some rash and ill-informed persons commit in public—sometimes in debate, and at other times in print—when they stated, that although there had been a great deal of talk about it, no real progress had been made in the amendment of the law the last twenty years. So different were other equally able men's opinions upon it, that his late noble and learned Friend, Lord Eldon, who was much more prone at all times to commend, rather than amend, the law, had stated that, so greatly was the law changed since the year 1828, when the proposition was brought forward, and his (Lord Brougham's) noble and learned Friend on the Woolsack, his (Lord Eldon's) successor, issued those Commissions, that he might say with Sergeant Maynard, that, "in having outlived all the lawyers, he had well-nigh outlived all the law in the country." That was Lord Eldon's view of the subject. And it was no exaggeration to say that, so great had been the changes in the law in consequence of the suggestions that had been made, done maturely and with due deliberation, that if any of the old lawyers—not merely Lord Hale and Lord Holt, but Lord Kenyon and Lord Ellenborough, and Mr. Fearne and Mr. Shadwell, deceased conveyancers, once the ornaments of the Bench and the profession—were to arise from the repose that they were now enjoying, undisturbed by the calls of clients and the misrepresentations of the Reports, of which they complained so much in their day, they would think they had come into a new world, and not recognise that law which some of them were accustomed to expound, and others to administer. He believed that out of the sixty-two heads of defects, and amendments correlative to those defects, which were suggested in his statement of the 7th of February, 1828, fifty-six had been remedied by Statute, and become the law of the land. He ventured to state that as a great encouragement to those who promoted the amendments of the law, and, above all, to the Legislature, without whose assistance and co-operation any amendment of the law was impossible. The law of England, which was once obliged to bear the opprobrium of being the cruelest in existence, falling short only of not allowing torture, and which, in inflicting capital punishments, had been the most wholesale sinner against all the rules of humanity and justice, and against every sound and rational principle of criminal jurisprudence, had now become the most humane; exercising the right, if it could be called a right—which many wise and virtuous men questioned—of putting to death, for even the gravest offences, with the greatest and most temperate abstinence from cruelty, unsurpassed by the law of any other country in this day. This was, no doubt, a great triumph of a sound and humane principle over an ancient, bad, and fatal error. Even the Court of Chancery itself had not escaped the amending hand of the lawgiver; for those delays that seemed to wrap the unhappy victim, the suitor, in their endless folds, and to erect their crest, as it were, against his safety, peace, and comfort, were now reduced to a far

more narrow compass than they had in the time of Lord Eldon and his successors; so that both regarding the ferocious cruelty of our law, and the folds that used to entangle the unhappy suitors in an interminable mesh of legal pressure, the best and wisest changes had been effected. And, therefore, they might well say that, although much remained to be done, yet much had, in these two great particulars, been effected, and many of the great evils which existed in the law been extirpated.

> "At rabidæ tigres absunt, et sæva leonum
> Semina; nec miseros fallunt aconita legentes;
> Nec rapit immensos orbes per humum, neque tanto
> Squameus in spiram tractu se colligit anguis."

Those reflections and those successes ought to encourage lawgivers to proceed. They ought not to make them more rash, nor ought they, as they near the goal, to accelerate their speed. They ought not to make them fond of great haste rather than of good speed; but they ought to encourage them, under temporary disappointment, to proceed, and from their past successes gather fresh hope for their future exertions. Therefore it was that he was encouraged; but at the same time he was not so intoxicated with success as to be led to do anything rash or wholesale, or that was too sweeping and inconsistent, in the reforms he was about to propound. It had, however, led him to look about him and to examine and see, among so much as had been done, what remained undone; and he should state a few cases in which it appeared to him something remained defective in our present system. He should apply himself in the same way as he did upon a former occasion — upon the principle of not pointing out a single defect on mere theoretical views, for which he had not a practical, and, as it appeared to him, a most safe and easy remedy. First, then, he should state that the Courts of Law had, since 1828, been reformed to a very great extent. He recollected complaining of the difference in the amount of business in the different courts; that, while the Court of King's Bench was overloaded with business, and the Court of Common Pleas had plenty to do, the Court of Exchequer, from certain monopolies existing in that court, had little or nothing to do. The monopoly of the officers of that court had since been abolished, and those obstacles cleared away which had abstracted the business from the court. Great practical reform had also taken place in it in consequence of his noble and learned Friend on the Woolsack having accepted the office of Lord Chief Baron, and brought the great powers and experience of his mind into the court. Ever since his noble and learned Friend had presided there, the Court of Exchequer had been as well employed as the other Courts of Common Law, the Court of Queen's Bench and Common Pleas. Another reform took place in the year 1832 in the Court of Common Pleas; but it was thrown open under the sign manual of the Crown, and it had been since found that an Act of Parliament was necessary for the purpose in view. One matter which was complained of at the period to which he had referred, and which had since been remedied, was the sitting of a Court of three Judges; a circumstance which gave satisfaction neither to the suitor nor to the public. Much of the evil was owing to the adherence to the favourite number, twelve — keeping to but twelve Judges, as there were twelve jurors; and, among other precedents cited by the old lawyers, the twelve golden candlesticks, and other passages in the Revelations, were relied on; but the noble and learned Lord on the Woolsack was not stunned or "frightened from his propriety" by any such fancy, and there were three additional Judges appointed. And he might inform their Lordships, that in a very few months they would, probably, be informed that even the increased number were found to be inadequate to the wants of a largely increased mercantile community. Another great evil was got rid of when the terms were fixed by the Bill of the late Lord Chief Baron. But last of all, a monster grievance had been abolished when the Welsh judgeships were swept away. Those persons were counsel in Westminster Hall during six months in the year; they were frequently Members of the other House, and were actuated by all the partialities or by the convictions of party; yet during the other six months they were Judges in Wales. In criminal matters their judgment was final; and in all civil cases no appeal was to be had from their decisions, except to the King in Council. All this was abolished when the three new Judges were added; and the Principality now had all the benefits of the judicial sys-

tem established in England. Another ground of complaint had been very much removed, most honourably to the present Government and their predecessors—the baneful influence of party spirit, in restricting the Lord Chancellor in his choice for Judgeships. When he had the honour to hold the Seals, he had departed from the usual practice, and had elevated one who had not usually looked upon political subjects with his eyes; but his noble and learned Friend had gone further, and only lately had made an excellent appointment to the Bench of one of the most learned and honourable men to be found in Westminster Hall, although that learned Gentleman had been distinguished as a political opponent of the Ministry to which his noble Friend belonged. As to the other courts, there was no longer that opprobrium of the law, that the highest Judge of the Civil Law Courts was paid by fees differing in peace and war, and making it the interest of him who had to decide questions that might involve the country in hostilities (and that in the proportion of 10,000*l.* a year to 2,500*l.* a year) to provoke war, if possible. He would not for a moment insinuate that Sir William Scott, or any of his learned predecessors on that bench, could ever have been influenced for a single instant to yield to such a temptation; but then hostile nations were not aware of the fact, and they would not be induced, because of such knowledge, to put much faith in decisions given under such circumstances. That abuse was now swept away; and the judge who now so worthily presided in that court, his learned and benevolent friend, Dr. Lushington, was in receipt of a fixed salary of 4,000*l.*, and he was very properly excluded from taking any part in party conflicts or political controversies, by the law prohibiting him, while he held the high office, from a seat in the other House of Parliament. The Court of Delegates, again, which had partaken more of the nature of a farce than of grave judicial proceeding—for it was a court in which the least occupied and least learned civilians sat as a Court of Appeal from the learned Judges in the Consistorial and Admiralty Courts—had all been swept away, and all appeals had been transferred to the Privy Council; while even the constitution of that Court of Appeal had been greatly changed, and in such a manner as to lead every one to acknowledge that great improvements had been made. These were great and important changes; but still, that something remained to be done no one could doubt. He had frequently urged upon their Lordships the necessity of placing the Judges of that Court of Appeal upon a more permanent footing; but, as he intended again to call the attention of the House to the subject, he would not then further allude to it. Besides all that, Bills had been passed which had given great encouragement to the practice of deciding suits by arbitration. While upon that topic, he would express his utmost sorrow that, amidst all these changes, nothing had been done towards instituting conciliation courts, or courts of reconcilement, and county courts: the benefits of the establishment of both would be of inestimable value to the country. As to the latter courts, neither his noble Friend on the Woolsack nor he had anything to reproach themselves with; for a Bill was introduced—it was considered, and it received the sanction of that House, but it met with a different fate in another place. With respect to the value of courts of reconcilement, he need only refer to Denmark. In that country, out of 7,000 suits which had been instituted, 5,000 had been sent to those courts, and had been no more heard of. It was very easy to conceive that such a result should follow from the parties who had differed being required to appear before a person who had no interest whatever in their continuing their proceedings, and in the absence of their legal advisers, who were interested. He would not make these courts compulsory: he would merely compel the parties to appear before the court without the presence of their solicitor; but they should not be compelled to follow his advice, or be bound by any proceeding of the court. Courts of Local Jurisdiction too would be of inestimable benefit; and he trusted to see these also established. His noble and learned Friend on the Woolsack had passed a Bill for this purpose through their Lordships' House in 1842; but owing to private pecuniary interest of some parties — he might say of one party—elsewhere, it was stopped in the Commons. The complaints he had in 1828 made of the system of pleading had likewise been met, and those grievances removed, by the new Rules which the Judges had framed under

the Act passed in 1832. He had now to address himself to the landed interest more especially; and he was glad that he was speaking before so many of those who were so deeply interested in the land, for they were more interested in the amendment of the law of real property than any other class of the community. The first and most important change which took place in consequence of the appointment of the Real Property Commission, was, the total abolition of fines and recoveries, by which property could now be passed without delay and expense. A landed proprietor, being tenant in tail, had now no longer to wait until term time to make himself tenant in fee-simple, and dispose of his estate; nor had he any longer to go through the fictitious suit of a fine or a recovery; he could do it at any time, by a mere deed, and at such a saving of expense that many persons waited a whole year for the Act to come into operation, wishing to sell their estates. There were formerly great absurdities also in the law of inheritance. There was the silly old fantastic notion of inheritances being subject to a principle like gravitation, which was supposed always to act downwards—a total mistake, for gravitation acted towards the body to which the gravitation was, and not downwards. However, so said the old lawyers; and if a man died, leaving no child or brother, or nephew, it was impossible his estate should go upwards to his father; it would rather escheat to the Crown. So again, with respect to the half-blood being allowed to take personal property, but not to inherit real estate; these defects were removed. The Statute of Limitations was made effectual, which it was not before. The object had always been to make long possession an effectual bar to disturbance, by supplying the defect of title; according to the beautiful simile of Lord Plunkett, that "Time stalked with his scythe, mowing down muniments, the evidences of title; but the wise humanity of the Legislature had put an hourglass in his other hand, by which he measured out those periods of possession that supplied a remedy for the destruction dealt by his scythe." But the Real Property Commission found an obstruction in the hourglass; the scythe was prevailing over the sand. Instances had been known of tenancies in tail successively enduring for 250 years, and afterwards the old title revived: though the estate had been subject for two centuries and a half to settlement, to mortgage, to sale, to exchange, and had been dealt with as fee-simple all that time, up started the old reversioner, and, in spite of the long possession, ousted the man who had given value for the land, and who had no means of getting back a shilling of his money, because the seller had given a warranty against his own acts only. A change had now been made; and although in consequence of there being several commissions at work in these amendments, there were some little discrepancies in the Acts passed at their instance, there was only a question whether the time was longer or shorter in certain cases. After forty years' possession no title could be disturbed unless (which must always continue) where the party in possession had a mere life estate. Real actions also, Formedon, and Assize, and the rest, to the number of sixty-three, had been swept away; and, with the exception of Quare Impedit, and Quare Non Admisit, existed no more. The consequence of all this was, that the value of property had been increased; the title to it being clearer, the possession more secure, and the expense of maintaining the right to it lessened materially. Still the transfer of property required to be considered. Nothing could be conceived worse than the principles which regulate the conveyance of real estate in this country, whether in fee-simple or by lease for years; and yet the free commerce of land was of the utmost importance. At present in every conveyance there was such an endless prolixity of statement, in preamble, in recitals, in parcels, in covenants, in warranty, that in the case of a small estate the expense became a bar to the sale. This expense was the same in conveying one acre as one thousand. It was not merely the parchment, and the writing by the engrosser, but the conveyancer also was to be paid. The longer these deeds were, too, the greater was the risk of error—the chance of a flaw. Their Lordships signed deeds, probably without ever reading them, trusting to their solicitor to do it; but how did he do it? By looking at the parchment while his clerk looked at the draught, and not then reading it again, the clerk looking at the parchment while he looked at the draught; and the chance was, therefore, that he made a mistake in read-

ing a line of the parchment, and the clerk another in reading a line of the draught. It was the more likely, because both the solicitor and the clerk knew that any error was not likely to be discovered before they were in their graves; and for that reason his friends the conveyancers always seemed to him very much upon velvet. A conveyancer, who died about fifty years ago, was found to have committed errors by the score in his opinions; but none of them were discovered till after his death. Yet a small error might be of the greatest importance. In "Langston v. Langston," the whole case arose from a single line being left out in copying a will relating to very large property in Oxfordshire. The devise to the first son was left out, and the estate was given to the second, third, fourth, and other sons successively in tail male. The question was, what estate the eldest son took? The Court of Queen's Bench were of opinion that he took no estate at all. The Court of Common Pleas, in a Court of Error, were of a different opinion; and he was glad to agree with the Court of Common Pleas that he did take. But it was a very narrow thing, and might have been decided the other way. Possibly, if his noble and learned Friend who followed him on the Woolsack (Lord Cottenham) had then been on the bench instead of at the bar, it would have been the other way. And it was clear that it was the prolixity of the proceedings which exposed the party to risk, as well as litigation. Why not at once, in favour not merely of all landed proprietors but of all commercial men—for if the first borrowed, the others lent, if the first sold, the others were the purchasers—why not do in favour of both what the Legislature was doing in respect to Railway Bills? Why not at once facilitate the sale and transfer of land, and protect property against the possibility of bad titles through flaws, by consolidating the law in one short bill, containing a form of a deed—as his Bill contained—a deed of four lines, which had been drawn up by the most skilful conveyancers in the country, that was, he had had their aid and approval, and they had vouched for its efficacy?—why not bring in such an Act of Parliament, enacting that, whoever used that form, should be held to have done all that was named in the Act, and to have given all the necessary warranties, and that it should be as sufficient to all intents as if ten skins of parchment had been used, which was necessary at the present moment, at all the cost and hazard of mistakes that he had described? He asked their Lordships to apply what they did in Railway Acts to the transfer of estates. The Act would not bind any man to use his formula. If a party had a large estate which he wished to sell, he might use or refuse the present formula. The Legislature told him, "If you choose to take our formula, take it, and we guarantee it; you are secure that the words you use shall have the effect you intend; but you may take the old form, with its prolixity of language and courts of law; whereas, if you take ours, you take a deed that will operate both under the existing law, and under an Act of Parliament." Before leaving the subject of real property, he was about to add a remark upon the state of the law respecting sales or mortgages for terms of years. Nothing more essentially affected the security of landed property, and therefore it was of importance that some remedy should be applied to cure the defects which had grown up in this branch of the law. The term of years was generally a long one—500 or 1,000 years. The object was, that the termor, or mortgagee, should hold the estate till out of the rents and profits money should be raised to fulfil certain purposes. In the course of some years the object had been secured, and properly speaking, therefore, there ought to be a surrender of the term by the mortgagee or the termor; but that did not always take place, and the term was therefore outstanding, or there might be a term surrendered to the mortgagor, the borrower of the money, and the owner of the property, and kept alive purposely by him for some purposes of his own. While the term having now been satisfied became a mere imaginary being—an imaginary spectre if you would, but having the capacity of rising up at any moment—this spectral creature of the legal imagination—this fictitious being, whom we talked of as harmless, existed all the while, and what was the consequence? The borrower went and borrowed more money, and created another term, and did not tell the person from whom he borrowed that there was the other term outstanding. The second termor had only an equity life interest; the other termor got the legal estate. Afterwards

the borrower went to a third termor,—a man who borrowed once was very apt to borrow again. The third person also knew nothing about it; he did not know he had not got the legal estate as well as the equity; but he found out that there was an intermediate termor, or, not finding it out, he found out the first termor, and went to the first mortgagee and got possession of the first term. He had got the equity by his own loan, and he had got the legal estate by traffic with the first mortgagee, and, therefore, he had a complete title. What happened was that which was called most expressively by the lawyers, "squeezing it out." This was the technical language of the law. He "squeezed out" the middle lender, and the middle lender, who had the older title, lost his money and his security altogether; he was utterly squeezed out. He lost his term as completely as if the blood was squeezed out of his body. All this was owing to requiring the terms to be surrendered when they were satisfied—all this was owing to recognising the existence of the spectre. *Qui prior tempore potior est jure* was the maxim of the Civil Law; but the maxim of our law seemed to be *posterior tempore potior jure*. But do not imagine that the third lender was altogether secure in his title. There would be some comfort if a security of that sort could arise, because a *bona fide* purchaser without notice ought to be tenderly dealt with, and carefully protected by law; but he was exposed to a variety of risks. No man could tell in what cases a court of law would presume a term to be surrendered. Terms might be vested in trustees, and if the trustee had died, it was necessary to go to a Court of Probate to discover his representative. But what Court of Probate? It might be the diocesan court; but if he had 5*l.* in another diocese, there must be a metropolitan probate. Registration would provide a remedy for this. Mr. Bellenden Ker, an experienced and able conveyancer, had written an important tract on this subject; and he mentioned the case of a purchaser of a very inconsiderable property, who was obliged, for the sake of obtaining a surrender of terms as a security against many incumbrances, to make searches in four different diocesan districts at an expense of 400*l.* Registration was a cure for all these difficulties. He thought he need not say any more to show how grievously absurd this plan was, and how much it required a real effectual remedy. The Real Property Commissioners, whose Report he was now about to read, had stated most distinctly that these terms had all the bad qualities which he now ascribed to them; that they made an innocent man the victim of another, and not unfrequently exposed both those persons to be the victims of a fraudulent party. Therefore, one of these Bills was to remedy the great scandal of the law as to outstanding terms. No man had a more clear and positive opinion on this subject than he had. He heartily agreed with his noble and learned Friend (Lord Campbell), and his learned coadjutors, in all their Reports on the subject. With regard to the recommendation of the Real Property Commissioners, that a system of general registration should be introduced, the measure would be a most beneficial one. If he was inclined to dispose of his property by will, he should not like to keep the will in his own repositories; it might be lost or burnt. He knew a case in which an estate of 30,000*l.* a year had been taken from the heir at law and given to a devisee by a will, which had been found in a writing-desk in an old post-chaise which was being broken up for firewood. The making two copies of a will, and depositing one at a banker's, by way of security, was in reality no security at all. What possible objection could be made to a system of registration it was not easy to divine. It all, however, lay in one word—Yorkshire. He did not mean in the sense of astuteness or cunning; but it meant that, there was a registration in Yorkshire, and a registration clerk, with 4,000*l.* a year; and there were attorneys in Yorkshire, who were all set against it for the lucre of gain; which attorneys, as in other shires, though he could not say they had their thumbs upon all the landed interest in the county, had a very great and overweening power over the landed interest, especially those who were in the way of borrowing money, as well as those who lent money on land. He could state it as a literal fact, that when he went into that county some years since, to enjoy a short vacation—about as long as the difference between the old style and the new—if he saw one placard about the Reform Bill, which was then the object of all men's wishes, he saw a dozen others calling on the landed interest to arouse them

from their slumber, and resist the attack on their sacred rights, namely, the measure for the registration of titles to estates. But it was said, that every man's estate and title, with all the flaws in it, would be open to all the world, and that you might see them for one shilling; whereas it was one provision of the Act that nobody ever could look at any single title of any registry without the authority of the party who had an interest in his looking at it, because he was about to borrow money on the property, or about to sell. If it was asked, why he had not brought in a Bill for this purpose, he replied, that one consideration alone deterred him. If he introduced a measure respecting which no member of the profession had any hesitation, and coupled it with others about which there was much doubt, he might incur the risk of losing all. Let it not be supposed, therefore, that his opinion respecting registration had changed; he was only afraid that, if he put it in the same boat, it might be the feather that would sink it. With respect to the Law of Evidence, which remained still to be dealt with, although a good deal had been already done upon that subject; the principal objection which he had made last year in respect to this point had been removed by a clause introduced into the Bill of the Lord Chief Justice. That great error also had been removed as to not allowing Quakers to affirm in criminal cases. This led him to state what appeared to him to be a great defect in the law respecting interested evidence. No interest, however great, in the event of a suit, was sufficient to exclude a man's relations. A man whose father was, perhaps, ninety-five years, bed-ridden, and unable to make a will, the eldest son who was next in remainder might now be examined. Why should they not examine the party himself? He saw no reason why such a course should not be adopted. They did so in Chancery, why did they not do so in Courts of Common Law under due restrictions? Let one party be examined for himself, and then let another party be examined against him. That was another improvement which he proposed. The only other improvements with which he deemed it necessary to trouble their Lordships were two of a very important character—one relating to the Civil, and the other to the Criminal Jurisprudence. The first related to a declaratory action, which he proposed to give, under proper restrictions in respect to costs. The other related to our Criminal Jurisprudence — the infrequency of the Commissions of Oyer and Terminer. Successive Chancellors had often lamented that this form of proceeding, so beneficial in Scotland, was unknown here. Instead of being able to have a judicial decision on titles, and on rights of every kind, while the evidence was all forthcoming, and when it might be of vast importance to relieve anxiety and clear up titles, by settling doubts, we in England must wait till a party brings us into court. With respect to the other point which was connected with the criminal law, lawyers and judges had all felt the hardship of Commissions of Oyer and Terminer and general gaol deliveries not occurring more frequently. The Central Criminal Court for Middlesex, no doubt, made it impossible for imprisonment to be continued above a few weeks; but if crimes were committed outside of that district, the accused parties might be imprisoned for a period of six or seven months before their trial, because no judges were sent down to such districts at shorter intervals to open their Commissions, and because the rule of law said that where the offence was committed the accused should be tried in the same county. His Bill proposed to give power by an Order in Council for the appointment of Commissioners for the more frequent trials of offenders, and to authorize the removal of the accused parties from one county to another; and judges might be sent four times a year to try prisoners in those counties, so as to remedy the evils which were so loudly complained of. He had hitherto been dealing with rights of property, of real estate and personal estate, and in respect to actions and remedies consequent upon such; but he had now to remind their Lordships of a most important subject, not only as affecting property, but as seriously affecting the feelings and the characters of individuals. In some instances no one could say whether certain parties were really married or not, or whether their children were bastards, or had a legal right to succeed to their parents' property. That was the unfortunate position of even some persons of the highest rank in the country. Was not that outrageous, and contrary to all principles of common humanity? They had a conflict between the law of England

and that of Scotland as respected marriage. Lord Hardwicke's Act, which he considered one of the worst efforts at legislation that appeared on the Statute Book, intended to declare that no persons should be permitted to marry under the age of 21 years without the consent of their parents or guardians; but the Act had really said nothing of the kind. It said that such persons should not marry without a license; but this did not prevent a marriage by banns; but, still, they might go to Birmingham or to Manchester, where, perhaps, 500 banns were published of a morning, and no one would be the wiser of it. The parties might also go to Scotland, at an expense of only about 5*l.*, marry there in a minute, and come back again; thus Lord Hardwicke's Act would be set aside, for that marriage would be as good as any in the world. The law was evaded by the very people to check whom it was passed; it was not made for the poor; it was made to prevent the needy man from entrapping the rich heiress, or the cunning woman from entrapping the rich heir, and by these it could be evaded. Again, if a man went abroad, the judges here say, a divorce abroad cannot dissolve an English marriage; but if the man had married in Scotland, no one could tell whether the marriage was a good one or not—the prevailing opinion was, that it was not worth a farthing, there being a conflict between the English and Scotch Judges, one saying one thing, and one another. He should propose by his Bill, that twelve months' residence in Scotland should be required before a divorce of a marriage celebrated in England should be obtainable there, and that a three weeks' residence in Scotland should be required before what was called a Gretna-green marriage could take place. The real remedy would be, to repeal this part of Lord Hardwicke's Act, and make no marriage valid without the consent of parents. He hoped they would not be long without some general law on the subject, as, in consequence of a recent decision, it was doubtful whether a marriage in Ireland or their Colonies, or in any place where it might be impossible to find an English clergyman, was a marriage or not; and if it had not been a decision of their Lordships, he should have thought it utterly erroneous. They had certainly not been happy in their legislation on this subject. During the last Session an Act was brought in to "relieve Her Majesty's subjects from all doubts concerning the validity of certain marriages." The Bill consisted of three lines only, and on them three very great doubts arose. It declared that "all the marriages aforesaid, celebrated abroad by an English chaplain, or by the chaplain of a British embassy, or within the British lines, should be deemed as valid in law as if celebrated within the British dominions." That was the first doubt, because it would apply to the marriage of two French people by the chaplain of a British embassy. It might be said, they were not likely to come to this country. But their issue might do so, and become English subjects. The next doubt was this: the preamble went on to say, "as valid in law as if the same marriages had been solemnized within Her Majesty's dominions." Now, Scotland and Ireland were within Her Majesty's dominions, and so were our Colonies and the East Indies; and with respect to Scotland the law was totally different from that of England, and a marriage that was valid there was not valid here. As to marriages abroad, in consequence of the recent decision of their Lordships, no one could tell what marriage was valid, and what not. The Bill continued, "with the due observance of all the forms required by law." This was the third doubt, for no one could tell what forms the law required. The forms were different in Ireland and Scotland, England, the Colonies, the Cape of Good Hope, the East Indies, and in Guernsey and Jersey—to say nothing of the Isle of Man. He hoped that this Act would not be permitted any longer to disgrace their Statute Book; but that a measure would be immediately prepared that would have the effect of quieting the public mind upon this point. Before he concluded, he must observe there was no one branch of the various defects of the law which had been remedied that was more to the satisfaction of the country than that which respected the Law of Debtor and Creditor. Imprisonment upon mesne process was abolished altogether. He said that there should be no imprisonment at all for debt; but only in case of fraud or contumacy, or the gross making away of property. Great improvements had been already made on this subject; but he colud not dismiss it without saying that

there was one change still necessary as a consequence of the great alteration they had made in the law by abolishing imprisonment for debt; he thought Members of the two Houses of Parliament ought no longer to consider freedom from legal process with respect to debt as the flower of their prerogative, and essential to the privileges of their station. While arrest for debt was the law of the land, it was very fitting their persons should be secure, because they might be imprisoned for factious purposes, or as an act of oppression from the Crown—not so likely to happen in modern days as in ancient times when the privilege arose; at all events, it was then necessary that their persons should be safe. But even their persons were not safe if they committed a misdemeanor or a fraud. The law laid it down, that the lawmakers should not be lawbreakers; and as it was in law, so it was in common sense. Admitting their persons to be sacred from arrest, still there was now an end of arrest; why, then, should Members of Parliament have a privilege of not paying their debts? Why should a Member of the House of Commons, or of the House of Lords, be the only person in the community exempted from the obligation of paying his debts? That was the question which he wished to enable that House and the other House of Parliament to answer before he was much older. Let them see that by the Bill, in which he proposed to make Members of Parliament, like all the rest of the community, liable to pay their debts out of their property, or to be punished if they fraudulently made away with that property. At all events if they would not pay their debts while they could, or were reduced to such a deplorable state that a man sued them and sued in vain for 20*l.* or 30*l.*, not getting twenty pence in payment, were they fit to represent the Commons in one House of Parliament, or to compose the aristocracy, the hereditary legislators, and judges in the other? How could a noble Lord sit there and condemn persons, or hear them condemned, for having defrauded their creditors by having money and refusing to pay it, when he was doing the same thing, and that every day himself? He might fail in now carrying that measure; their Lordships might have the courage to say that this state of things ought to continue—that it was right it should continue; the Representatives of the people in the other House of Parliament, might also have the courage to insist upon the continuance of this system; but that courage would ooze out by degrees; they would find it would not very long survive; and he believed that he should not have to live very long to see this privilege abandoned altogether. By the 52nd of Geo. III., a bankrupt could not sit in the House of Commons; Mr. Smith's Bill excluded a bankrupt from the House; the preamble of the Act stated—

"Whereas it is highly derogatory to the dignity and independence of Parliament that a man who has become a bankrupt should continue to sit in it; be it therefore enacted, if any Member of the House be made a bankrupt, and shall not have paid 12*s.* in the pound, and have had his commission superseded, his seat shall be sequestrated for twelve months, and if the amount be not paid at that time a new writ shall issue, that the people may be represented by a solvent person."

The law no doubt showed some favour to a bankrupt, because a bankrupt might be a person that was reduced to such a position in consequence of no fault of his. Bankruptcy might be caused by misfortunes in trade, by the accident of a failure in commerce, or by the accidents of peace or war; and yet, in the case of a bankrupt, there was this law upon the Statute Book which prevented him from sitting in Parliament. But there was no law whatever to prevent an insolvent from sitting in Parliament, and exercising all the rights which such a position gave him. Was such a person fit to make those laws which he could not obey, and which he, perhaps, scandalously contemned? He had no manner of doubt that he should live to see the day when the whole of his measures would be passed. He hoped and trusted he should live to see a Registration Statute passed, and a good criminal code added to the other benefits which this Parliament and this Government had commended to their consideration as a criminal code, to be followed by a digest of the civil law, upon an appropriate scale to that great measure. If he lived to see such benefits conferred upon the country, he should rest in peace and contentment from his labours, fully satisfied in having had a hand, however humble and feeble that might be, in erecting a column to the glory of the British Legislature—a column of a composite order, as originating in the virtue, the experience, and the solid sense of the community—a column adorned

with all the various virtues of the various branches of the Legislature which composed its constitution, and representing all classes and interests in the community. If he were happy enough to stimulate their Lordships, and the Members of the other House of Parliament, and the Ministers of the Crown, in doing this great and good work, he had no wish whatever that any name but theirs should be inscribed upon that column. The noble and learned Lord concluded by laying the Bills on the Table. The following are their titles :—

A Bill for furthering the Administration of Criminal Justice; a Bill to enable Parties to be examined on the Trial of Civil Actions; a Bill to facilitate the Admission in Evidence of certain official and other Documents; a Bill to render the Assignment of satisfied Terms unnecessary; a Bill to facilitate the Conveyance of Real Property; a Bill to facilitate the granting of Leases; a Bill to give a Remedy by way of Declaratory Suit; a Bill for Amending and Declaring the Law of Marriage; and a Bill for securing the real Independence of Parliament.

Lord *Campbell* regretted that, notwithstanding the important statement of his noble and learned Friend, this side of the House was entirely deserted [*with the solitary exception of Lord Campbell, every Peer on the Opposition Benches had quitted the House*], and that the other side was represented only by the noble President of the Council (Lord Wharncliffe). Her Majesty's Ministers were considering the affairs of the nation, or perhaps refreshing themselves after their labours, and the noble and learned Lord on the Woolsack and the noble President of the Council appeared eager to join them. He should, therefore, defer his observations till the nine Bills of his noble Friend came before them. He would merely state that he should particularly support the Bill for simplifying the conveyance of real property; at present the parchments which conveyed a piece of land were sometimes as large as the land itself. He wished an attempt had been made to establish the Registry of Deeds, because that was the foundation of legislation on other points. While he was a Member of the other House he had laboured day by day on this subject; he got a Committee appointed, and though the Members of it were nearly all against the registry when they began, at the conclusion of the inquiry they were in favour of it. But the country attorneys his noble and learned Friend had alluded to were too strong for them. So strong an interest were they found, that he might relate now what was matter of history. When he was appointed Solicitor-General to William IV. the only stipulation made with him was that he should not for a time at least bring in any Bill for the appointment of a General Registry. But till such a Registry was established he thought the doing away with the terms of years was rather hazardous. He should hereafter be ready at greater length to discuss the Bills which had been introduced by his noble and learned Friend, and he was sure they would receive the best possible consideration from the House.

Lord *Brougham* had twice stated that he thought a Registration the only remedy for some of the evils he had pointed out; but he was afraid to introduce the measure now, lest he should prejudice the prospects of the other Bills. He had a Bill ready on the subject: here it was [*holding it up*]; it was the same which had, under his direction and authority when in office twelve years ago, been brought into Parliament; but he did not like to have it printed, as there was no chance of carrying it this year.

The Bills were then severally read 1ª.

House adjourned.

HOUSE OF COMMONS,

Monday, May 19, 1845.

MINUTES.] NEW WRIT. For the County of Down, *v.* the Earl of Hillsborough, called up to the House of Peers.

NEW MEMBER SWORN. For Denbigh County, Sir Watkin Williams Wynn, Bt.—For Woodstock, Viscount Loftus.

BILLS. *Public.*—1°. Criminal Lunatics (Ireland).

2°. Banking (Ireland); Military Savings Banks.

Reported.—Indemnity.

Private.—1°. Molyneux's Estate.

2°. Londonderry and Coleraine Railway; Bristol and Gloucester Railway (No. 2); Birmingham and Gloucester Railway (Gloucester Extensions, Stoke Branch and Midland Railways Junction).

Reported.—Chester Improvement; Glasgow Markets; Stokenchurch Road; Chester and Holyhead Railway (No. 2) (Mold Branch, and Purchase of Chester and Birkenhead Railway).

3°. and passed:—Calvert's Estate; Hemel Hempstead Small Tenements.

PETITIONS PRESENTED. By Mr. Grogan, from several places in Ireland, for Encouragement to Schools in connexion with Church Education (Ireland).—By Mr. Duff, Mr. F. Maule, and Mr. P. Stewart, from several places, for better Observance of the Lord's Day.—By several hon. Members, from a great number of places, against the Grant to Maynooth College.—By several hon. Members, from a great number of places, in favour of the Grant to Maynooth College.—By Col. Paget, Mr. Rash-

leigh, and Lord G. Somerset, from several places, against the Union of St. Asaph and Bangor.—By Mr. Baine, Mr. Dennistoun, and Mr. Hume, from several places, in favour of the Universities (Scotland) Bill.—By Mr. Dickinson, and Mr. Stanton, from Colesbourne, and Bisley, for defraying the Charge of the County and Police Rate out of the Consolidated Fund.—By Sir William Somerville, from several places, against Banking (Ireland) Bill.—By Captain Berkeley, and Mr. O. Duncombe, from Attorneys and Solicitors of Gloucester, and several other places, for Removal of Courts of Law and Equity to Inns of Court.—By Sir John Hanmer, from the Hull Mechanics Institute, in favour of the Museums of Art Bill.—By several hon. Members, from a great number of places, against the Parochial Settlement Bill.—By Mr. Colquhoun, Col. Paget, and Mr. Welby, from several places, for Diminishing the Number of Public Houses.—By Mr. Dundas, Mr. Hastie, and Sir T. Hepburn, from several places, for Ameliorating the Condition of Schoolmasters (Scotland).

PRIVILEGE—THE SERGEANT-AT-ARMS.] The *Solicitor General* said: I beg, Sir, to call the attention of the House to a subject which is very materially connected with its privileges—I allude to the decision recently pronounced in Her Majesty's Court of Queen's Bench in the case of "Howard against Gossett," which was an action brought against the Sergeant-at-Arms for imprisonment, upon the authority of a warrant issued by the Speaker, in pursuance of an Order of the House. It will be in the recollection of the House, that in 1840, in the course of the discussion which took place on certain proceedings instituted by a person named Stockdale against Messrs. Hansard, the printers of the House, it was considered necessary that Mr. Howard, who had been concerned as attorney for Mr. Stockdale in that action, should attend at the Bar of the House for the purpose of being examined. Mr. Howard had notice, and was required to attend; but he did not pay attention to that notice, and in consequence an Order was made by the House that he should be brought to the Bar in the custody of the Sergeant-at-Arms, and that the Speaker should issue his warrant accordingly. That warrant was issued, and Mr. Howard was taken into custody, and ultimately committed by an Order of the House to Newgate. In 1840, he brought an action against the Assistant Sergeant and three of the Officers of the House, who had been concerned in the execution of that warrant, for an excess of authority, of which he stated they had been guilty in executing the warrant, by remaining an unreasonable time in his house. My noble Friend Lord Campbell, then Attorney General, intimated to the House that he had received a communication from Mr. Howard, that it was not his intention to impeach the validity of the Speaker's warrant, but that his complaint against the Officers was, that they had been guilty of excess; and the House came to a Resolution that the Officers should be permitted to appear and plead to that action. They appeared and pleaded to the action accordingly. It came on for trial merely on the general issue, and the jury were of opinion that the Officers were guilty of excess, and they found a verdict against them for 100*l.* That 100*l.* and costs were paid by the House. In 1843, Mr. Howard commenced the action in question against the Sergeant. A communication was made by the Sergeant to the House of the fact of the action having been brought. My hon. and learned Friend the Attorney General moved that the notice given by the Sergeant, with the proceedings, should be printed; and on the following day he proposed to the House that the Sergeant-at-Arms should be at liberty to appear and plead to the action. That proposal of my hon. and learned Friend gave rise to a considerable debate. The debate was adjourned, and ultimately the House came to this Resolution—

"That Sir William Gossett, the Sergeant-at-Arms of this House, have leave to appear to and defend the action brought against him by Thomas Burton Howard."

That was carried by a majority of 64. The House also approved of another Resolution—

"That William Bellamy, one of the messengers of this House, have leave to appear to and defend the action brought against him by Thomas Burton Howard; and that Her Majesty's Attorney General be directed to defend the said Sir William Gossett and Willam Bellamy against the said actions."

Upon this several pleas were put on record in the action of "Howard against Gossett;" and, stripping those pleas of their technicalities, I will state in general terms to the House, that they justified the imprisonment and the acts complained of in the declaration of Mr. Howard, under the authority of the Speaker's warrant. To those pleas there was a demurrer; and upon that demurrer an argument took place in the Queen's Bench in November last. The Judges appeared to have entertained very considerable doubt upon the subject; for they took time to consider before they delivered their judgment until Thursday last, when they pronounced judgment — the majority of the Judges being of opinion that the pleas constituted no sufficient jus-

tification to the complaint in the plaintiff's declaration. Mr. Justice Williams differed from the majority of the Judges. Of course, it will be premature at the present moment to discuss the propriety of that decision, or the important principles involved in it. I think, however, it will be right for me to state, that the Judges, one and all, expressed an opinion that no question of the privileges of this House was involved in their decision, and that it proceeded entirely upon the Sergeant having exceeded the authority which was conferred upon him by the warrant of the Speaker. Of course, it will be absolutely necessary, in consequence of the extreme importance of the subject, before the House proceeds to any determination, that it should have before it the materials for forming its judgment; and I, therefore, should propose that there be laid on the Table of the House copies of the Record in the action of "Howard against Gossett," and of the shorthand writers' notes of the judgment, and also of the arguments. It will be necessary that the House should proceed as speedily as possible to a determination upon this important question. The steps the plaintiff may take I will shortly explain. In consequence of the decision of the Court of Queen's Bench, he is at liberty to enter up what is called interlocutory judgment. Upon that judgment he may proceed to have his damages assessed before the Sheriff. He must give notice of his intention to issue a Writ of Inquiry for the assessment of those damages; but after eight days from the serving of that notice he may proceed to assess his damages. It is, of course, impossible to say how long it may be before Mr. Howard takes that step, and it is, therefore, important that the House should proceed as speedily as possible to the consideration of the course it will be advisable for it to adopt under the circumstances. After the damages have been assessed, the plaintiff may within a short time sign his final judgment, and, if not intercepted by a Writ of Error impeaching that judgment, he may proceed to execution, and levy the amount of the verdict on the goods of the defendant. Under these circumstances I have considered with the greatest anxiety what would be the most advisable course to pursue. It is necessary to act promptly; but it is also necessary, as I have already stated, to have materials before us to enable us to form a proper judgment. In 1839, when judgment was pronounced in the case of "Stockdale against Hansard," Lord Campbell, then Attorney General, came down to the House, and informed them of the facts, and moved that a Select Committee should be appointed for the purpose of inquiring into the proceedings, and recommending to the House the course it was advisable to adopt. I think, with very great submission to the House, it would be desirable to follow that precedent, and adopt a similar course. It is very important that we should not take a single step in this matter without most full deliberation. Perhaps, I might add, that discussions of this kind are not so advantageously conducted in this House as by a Committee of the House, and, therefore, following the precedent of 1839, I would propose, in the first place, that there should be laid on the Table of the House copies of the Record in the case of Howard *v.* Gossett, and also copies of the shorthand writers' notes of the arguments and judgment; and then I would propose, in the terms of the Resolution I have adverted to, that a Select Committee should be appointed for the purpose of inquiring into the proceedings of "Howard against Gossett," and reporting to the House their opinion and observations upon it. The names of the hon. Members to be nominated on that Committee I shall be prepared to state in the course of the evening.

Viscount *Howick:* I shall not object to the Motion; but I cannot help saying that, in the present state of our information, I do feel the deepest regret that so soon should be realized the prediction made by my hon. Friend the Member for Worcester, as to what would be the result of the weak and pusillanimous course this House pursued when its privileges were first attacked. It is the realization of what I felt must be the consequence of that course. Thus are we dragged on little by little, and step by step, till we hold all our privileges at the mercy of the Courts of Law. For that I for one am not responsible, nor is my hon. Friend.

Sir *R. Inglis:* I do not rise for the purpose of opposing the Motion of my hon. and learned Friend the Member for Abingdon; but when the noble Lord starts forward and accuses this House of pusillanimous neglect of its own rights and privileges, I, being one of those who thought that the House at the last moment, but not till the last moment, had shown a becoming deference to the laws of the country, under which the noble Lord, as an individual, and as a Member of this

House, and every other Member, and I hope the House itself collectively, must be contented to live and die, cannot sit in silence, holding the opinions I have for many years entertained. The question is, not whether the Courts of Law, in the present case, have recognised or violated our privileges. I was present in court when the judgment was pronounced, and I certainly collected, both from my hon. and learned Friend, and from those learned persons who represent the law in the Court of Queen's Bench, that their objection was not to the warrant as a warrant, but that it did not specify any purpose or periods for which the party was to be taken into custody. The warrant in that respect was defective. If the doctrine of the noble Lord be correct, let this House seize the Lord Chief Justice of England, let it seize a Peer of the realm, and try the question here; for if the power of this House be good for anything, it must be good for everything. If it be good against Mr. Justice Wightman or Mr. Justice Coleridge, it must be good against the Lord Chief Justice of England; and, therefore, if the noble Lord be willing to drag this House into another discussion, and struggle with the Courts of Law, he will begin by moving that the Lord Chief Justice of England be brought to the Bar of this House. That will show his courage; but it is no courage to bring before this House a Sheriff or any other ministerial officer. I believe, that all the Courts of Law require that all warrants should specify for what cause, and for what period, a party taken under that warrant must be imprisoned. What right then have we, sitting in this room, to claim more than the Queen Herself could claim?

Motion agreed to.

MAYNOOTH COLLEGE BILL.] On the Motion that the Maynooth College Bill be read a third time,

Mr. *Ewart* rose to move as an Amendment, that—

"While it is expedient to open the public Educational Establishments of Ireland to the Catholics, to reduce to its due dimensions the Irish Church, and to establish entire civil and religious equality between Great Britain and Ireland, it is not advisable to extend the principle of religious endowment by the State."

He said that he unwillingly disturbed the drowsy tranquillity of the House on the third reading of a Bill; but he thought it due to a certain portion of the House with which he had voted, that their position should be distinctly defined and fully understood. He did not join in the loud outcry raised by those who followed in the train of the learned Recorders of London and Dublin, and the hon. Member for the University of Oxford. Their standard bore a device too exclusive for him. Their line of march was separate and distinct. Its uniformity and consistency might be described in the words of Milton—

"Anon they move
In perfect phalanx to the Dorian mood
Of flutes and soft *recorders;* all the while
Sonorous Oxford blowing martial sounds."

On the other hand, he was opposed to this measure because he did not think it wise, as a general principle, to extend the system of religious endowment by the State. It had been talked of as a stroke of statesmanship — a term he much distrusted—sometimes ambiguous, sometimes pedantic, but which ought to mean (if it meant anything) the application of sound theory to substantial practice. In this instance it appeared to him that the Government had not acted practically. The last questions in which a Government ought to interpose were questions of opinion; and the last questions of opinion with which they should interfere were questions of theological opinion. He only remembered one instance of late years in which this interference had been attempted. It was in the celebrated Factory Education Bill of the right hon. Baronet. It succeeded only in kindling the *odium theologicum;* and it expired amid the conflagration which it created. He said that Governments should interfere in no questions of theology, either for their support or for their suppression. They should neither encourage by patronage, nor deter by persecution. The policy of the State should be that of a lofty spirit of neutrality on all such subjects. There was, indeed, a time at which such endowment as the Bill initiated—if it did not establish it—there was a time at which such endowment was practicable. Forty or fifty years ago, perhaps more recently, it was practicable; but since that time there had sprung up what seemed to him a more sacred principle in the minds of men—the voluntary support of their own religious opinions. We found this principle springing up, not only among isolated sects, but even in the bosom of Established Churches. We found the most moderate Established Church and the most powerful Established Church alike falling asunder on the voluntary principle. If moderation of endowment could hold a Church together, we should not have seen

the Free Church of Scotland sever itself from the parent establishment. If power and wealth could hold together an establishment, we should not have had Tractarianism flagrant at Oxford, or scattering the sparks of a spurious Catholicism throughout the length and breadth of the land. He maintained, therefore, that the times were changed; they were far different from those in which Mr. Pitt might have designed the establishment of a stipendiary priesthood for Ireland. They might attempt to revive his plan. But, be they Whigs or Tories, they would only raise its ghost. The substance was gone with the times in which it was engendered. But it was said, "We are not creating, we are only restoring. We endow no new establishment. This is only the restitution of an old one." A restitution! how did they restore? If they gave back to the Catholics that which the Irish Church had taken from them, that would indeed be a restitution. But, instead of giving back from the Irish Church, they took from the Consolidated Fund. Instead of withdrawing somewhat more from the superfluities of the Church, they wrung somewhat more from the necessities of the people. And this they called a restitution. It might, indeed, be a restitution; but it appeared to him to be only an Irish restitution. Then they justly asked him, what in such a case would you do? He answered, that he would not meddle with the theological doctrines of any Church or sect. The promulgation and vindication of those doctrines belonged not to them. The State ought neither to patronise religious opinions on the one hand, nor persecute for their exercise on the other. His doctrine would be to leave theology alone, but to throw open alike to Catholics and Protestants the existing educational establishments of Ireland. Throw open, but do not interfere. Begin by opening Trinity College, Dublin, to Catholics as entirely as to Protestants. End, if you can, in extending education generally; but first remove restrictions. Be generous, if you will, but begin by being just. He was afraid that, by endowing Maynooth, they had excited a deep theological feeling among the Protestants: by establishing new secular Colleges, however abstractedly desirable—and he certainly would give them his warm support—they would rouse a deep theological feeling among the Catholics. But he (Mr. Ewart) considered that it was not essential only to open the Irish educational institutions to the Catholics; it was essential, also, because indubitably just, to circumscribe within its due limits the Irish Protestant Church. But by this measure they did not do so. On the contrary, this measure tended to maintain the Established Church of Ireland. They were about to pay the Catholic priesthood from the Consolidated Fund. They thereby bribed, as it were, into silence, the opposition to that gigantic abuse, the predominance of the Church of the minority in Ireland. They did a twofold injustice. They left the Irish Church unreformed, and they taxed the people to enable them to do so. It was a species of insurance of an existing abuse, of which the country was called upon to pay the premium. And now let him ask them a question. Did they intend to go further, or did they not? Did they intend to stand still on this incomplete measure, or did they intend to advance and boldly endow the Catholic priesthood of Ireland? The noble Lord (Lord John Russell) said he would. The right hon. Member (Mr. Macaulay) echoed the resolution of the noble Lord; the Secretary of State for the Home Department hinted that he would; the First Lord of the Treasury took refuge in mysterious silence, and wisely said nothing. If, on the one hand, you go no further, you have dissatisfied the Protestants, and you do not, by so small a boon, satisfy the Catholics. But, on the other hand, can you go further? Can you accomplish what you have begun, and engraft a general endowment on a partial grant? He might be wrong; but notwithstanding the support of the Whigs and Tories combined, he doubted if they could ever endow the Roman Catholic or any other Church. He believed the age of State endowments to be past. He believed a much nobler principle of religion to be replacing it—the principle which inspired the early preachers of Christianity—the principle of genuine religious freedom, which teaches each individual first deeply to feel the truth of his own religious creed, and then liberally and independently to support it.

Mr. *Marsland* seconded the Motion. He did not wish to be considered as at all sanctioning the present position of the Established Church of Ireland, which being imposed by her powerful neighbour on an excitable and high-spirited people, was naturally regarded as a badge of degradation and servitude. It was not to increase, but to diminish, the number of Establishments, that he voted for the Motion of the hon. Member for Sheffield. He admitted,

with the warmest supporter of the Bill, that the Irish people had reason to complain—that the people were reduced to the lowest state of poverty—and that the priests were grossly slandered; but he thought the chief instruments in fanning the flame of animosity, now enkindled to such a degree as to endanger the connexion, should bear the penalties which national wrongs were always sure to inflict. He asked, did the aspect of ecclesiastical affairs in the three kingdoms justify the attempt to endow a new Church? Was the spirit of Christianity making that way in Ireland which it must inevitably do if not embarrassed by a connexion with the State? He believed it was admitted that the only feeling in common with Protestants and Roman Catholics was that of mutual hatred. So strong were religious feelings roused even in this country, that he was sure at the next general election, religion would be made a stalking horse for political adventurers; and all this arose from not laying the axe to the root of the evil—the Established Church. It had been said that the opposition of the Dissenters was founded on a mere Anti-Popery cry, because they had not objected to the *Regium Donum*, though they now protested so strongly against the grant to Maynooth. But he believed the great mass of the Dissenters were as strongly opposed to the grant of a *Regium Donum* to the Presbyterians, as they were to the increase in the sum given to Maynooth. Wishing to deny to his Roman Catholic fellow subjects no privilege which he claimed for himself, and believing that it was not desirable for their religion itself that it should be endowed by the State, he should vote against the third reading of this Bill.

The gallery was then cleared for a division, but none took place.

Mr. *Ewart* said, that in justice to the principle which he was anxious to support, he could not consent to divide on that occasion. He should be satisfied with stating the grounds on which he should vote against the third reading of the Bill, though he dissented from the reasons of those with whom he should find himself associated.

Mr. *Bankes* rose to bring forward the Motion of which he had given notice—that instead of the Bill being now read a third time, it be read a third time that day six months; which was equivalent to moving, that it be not read a third time at all. He should beg for the indulgence of the Speaker, and, under his sanction, for that of the House, in requesting permission to go back in some few particulars to previous portions of the debate which had taken place upon this subject when it was before the House in its previous stages; and as he had not before addressed the House upon it, nor even attempted to address the House—having given way to those Members who had risen in groups, to use the modern Parliamentary phrase, in order to explain the motives of their votes to their constituents—he trusted that the indulgence he asked for would be more readily accorded to him. For himself, he had no necessity of explaining his vote to his constituents: they were perfectly satisfied with the course which he thought it right to pursue. He attributed no merit to himself on account of the course he had pursued, nor did he attempt to cast censure on those who had adopted a different course. But he must observe that it had become at that period of the debate a very important circumstance for them to consider, not only the votes which had been given, but the circumstances under which they were recorded; and it was also important for them to consider whether the majority by which the present Bill was forwarded to its present stage, had been, or had not been, a majority representing the feelings of the nation. And, judging from the declarations of a very large proportion of the Members of that House, that they were voting against the wishes and feelings of the constituents they represented, could it be said that, so far as that debate was concerned, the House of Commons was, upon this question, a representative assembly? His right hon. Friend at the head of the Government could not deny that now, contrary to his first supposition, the feelings of the people of England and Scotland were opposed to the measure, far beyond even what his right hon. Friend anticipated would be the case. But, notwithstanding this feeling on the part of the people of this country, his right hon. Friend thought it was his duty to increase his energy, and to exert the power confided in his hands, as First Minister of the Crown, to the utmost, in order to carry the measure; and in proportion, as he stated, to the strong repugnance of the people of England did he feel himself called on to increase his energies. His right hon. Col-

league the Secretary of State for the Home Department carried his efforts still further; for, perceiving how the balance stood, he threw against the voice of the people, into that which was the lightest scale, the name, and weight, and popularity of the Sovereign, in order to carry the second reading, under circumstances which, he must be allowed to say, were somewhat questionable as regarded the privileges of that House and the principles of the Constitution. He was not there to enter into controversy with his right hon. Friend upon the principle of constitutional law. He admitted that his right hon. Friend had authorities and precedents for the course which he adopted; but the only authorities and precedents which he (Mr. Bankes) could remember, were authorities and precedents of his own making. For on another occasion the same course was adopted, and the name of the Sovereign was called in to turn the balance on a great question; but there was this difference in the two experiments, that in the former instance the name of the Sovereign was called in in aid of the people's wishes; while on the present occasion the Sovereign's name was used in an opposite direction. He might admit that the former experiment was the most dangerous to the Constitution, but the latter was the most injurious to the Crown. He did not wish to place this question in an inconvenient point of view, or to discuss how far the name of the Sovereign ought to be introduced; but when that course was pursued, he might be permitted to follow it so as to inquire how far the sanction of the Crown was given to this use of its authority, and under what circumstances the Crown had been induced to give its sanction to a measure so hostile to the feelings of the people. He hoped it was under misconception and misinformation that the Crown was induced to give this sanction; for, in that case, it would be a great relief to the pain he felt in being supposed that he was there opposing the declared will of the Sovereign; and it would also be a great relief to him to think that he might go on to consider this great question, without supposing that it was a question already decided and determined; and that hey might discuss it, if not as a representative, at least as a deliberative assembly. He did not think that he was attributing anything wrong to his right hon. Friend in saying, that there were misrepresentations in the information conveyed to the Crown; for he would do his right hon. Friends the justice to believe that the representation and information conveyed by them to the Sovereign were the same that had been conveyed to this House; and he thought he would be able to satisfy those who attended to him that, in regard to the important question before them, his right hon. Friends themselves had been misinformed, and entertained notions that were not entirely founded on fact. In regard to some important particulars he believed they were deceived; and, judging from what had fallen from the Prime Minister, he believed they were deceived even now as to the feelings of the people—that they had no idea of the repugnance justly felt by the people of England and of Scotland to this measure. He believed that, with regard to the people of Ireland, they were as much deceived with respect to the gladness it would give one portion of the people there, as they were with regard to the feelings entertained upon it in this country. He gave them credit for their good intentions, and their desire to confer a boon on the United Empire. But they were mistaken; and if they passed the measure, they would give but little satisfaction to the one portion of the Empire; and he could hardly find language to express the dissatisfaction which it would occasion in every other portion of it. Nor was this feeling of hostility to the measure confined to a few; it was general through England and Scotland. It was a misapprehension of his right hon. Friend to suppose that the Dissenters were the only portion of the Protestant inhabitants of England and Scotland who were opposed to the measure. It was true that they exhibited the greatest zeal—that they came forward with the most numerous petitions; and the Minister supposed that this was but a passing whirlwind, which would die away with its own violence. But it was not in the whirlwind or the tempest, but in the "still small voice" that was heard from one end of the Empire to the other, that the real opposition to the measure was to be found. And if that voice of the members of the Established Church of England was small, it was because they thought they might place confidence in that House. It was not because they were comparatively quiescent that they should be considered indifferent. They did not approach that House in a large and congregated body as the clergy of the land; in the numerous petitions from almost every parish in the county which

he represented, the name of the pastor was found enrolled with that of his flock; and it was thus that, in his opinion, it came before them entitled to the greatest weight and to the chiefest influence. Let it not then be urged against the clergy that they were indifferent because they were not clamorous. Why, in the papers of to-day there was a petition from the clergy of a large district of Ireland, who expressed those sentiments in words which he would beg leave to read to the House. This was a petition forwarded to the Bishop of Cashel and Waterford. They say—

"We, the undersigned clergy of your Lordship's diocese, feel it incumbent on us to make your Lordship acquainted with our feelings in reference to the Maynooth Bill, as it seems it has been said that great indifference exists in Ireland on the subject. We, therefore, desire to disabuse the public mind of such an impression, at least as far as regards ourselves."

They went on to give their reasons for disapproving of the Bill. One reason which they gave was this:—

"We believe it calculated to encourage and render permanent the teaching of what we believe to be erroneous and antiscriptural."

They then go on to say—

"Many considerations hitherto prevented us from taking an active part in opposition to the proposed grant; but, finding that our forbearance is mistaken, and our silence misrepresented, we cannot any longer consent to withhold the expression of our sentiments."

Such was the opinion which had been drawn from those clergymen, because their silence was misconstrued—a silence which their confidence in the guardianship of this House had induced them to observe. [Sir *J. Graham:* How many signed it?] Why, there were several. [Sir *J. Graham:* Only thirteen.] Oh, more than that; and those who signed it seemed to be of the highest respectability and standing in the Church. [Sir *W. Barron:* There are but nine signatures out of one hundred and sixty clergymen.] The number that signed would no doubt have been much larger, but that the same feeling which induced those so long to refrain from declaring themselves, still operated upon others; and nothing ought to be inferred from their silence. He admitted, however, that the more active opposition to the measure was from the Dissenting body; and his right hon. Friend would not deny that they were a respectable body, and that their petitions ought to be received with respect, and attended to, even if the prayer of them was to be denied. Yet in that House, and in the course of that debate, those persons had been called fanatical insurgents by a right hon. and learned Gentleman, whose talents and genius outran his judgment—the right hon. Member for Dungarvon. He was not so much afraid of the right hon. Member's invectives, sharp and cuttting though they might be, as to apprehend being called, as his hon. Friend near him, the Member for the University of Oxford (Sir H. Inglis), had been styled, the representative of the English Dissenters. On the contrary, he was glad to have an opportunity of concurring in opinion with that body in the prayer of most of the petitions which they presented to that House. They knew he never sought any favours or votes from them by compromising his own opinions; and he, therefore, felt it a compliment and an honour that they had entrusted him with so many petitions on the present occasion. He did not believe that they wished the destruction of the Established Church; but if (as many of them no doubt did) they wished to see the emoluments of that Church curtailed or subjected to a different arrangement, let it not be supposed on that account that they were willing to acquiesce in the application which it was proposed to make of them, even supposing such an application of them were sanctioned by Parliament. It was not to endow a Church which they could reverence as little as the Church established in this country, that the Dissenters of all denominations would wish to effect such a change as he had referred to. When Notice was first given of the Maynooth grant, the hon. Member for Sheffield, very fairly and properly, put on the Paper a Notice that he would move that the funds should be supplied out of the revenues of the Irish Protestant Church. That brought the question fairly before them. It was an open and unquestionable mode of ascertaining the prevalent opinion on the subject. It gave to the Dissenters of England an opportunity of expressing their views. Some of the Dissenters, undoubtedly, were determined to respect the property of the Church; but others of them might have said the question was, whether or not they should change the property from the hands of a Church of which they were not members, to a Church of which they were likewise not members, but to which the majority of the people of Ireland belonged. It was singular that the hon. Member did not

afford them the opportunity of expressing their opinions on this particular and most practical view of the question, but that he should have deserted the course he originally intended to take. It appeared that when the hon. Member had reason to think that his hon. Friend the Member for the University of Oxford meant to meet him in a fair field, and to decide the question whether the Irish Church was to be spoliated or not, the hon. Member for Sheffield thought it prudent to consult the heads of the party with whom he generally voted; but they could not give him any encouragement, or any satisfactory counsel to assist him out of his dilemma. The hon. Member, it was said, then consulted the Cabinet of the opposite side of the House; but with no better success. He then consulted the hon. Member for Montrose, who was a sort of Nestor in the House: everybody in trouble seemed to consult him; and in this instance he told the hon. Member for Sheffield he had nothing to do but to run away —that confusion would be the inevitable consequence of the Motion of which he had given notice; for that, if he had succeeded in it, the Government never could carry the second reading of the Maynooth Bill, since the final result of the measure could then be made apparent to those who now thought fit to shut their eyes against that prospect. The hon. Member, upon that advice, withdrew his Notice; but he could tell the hon. Member that he had not as yet altogether escaped from his difficulty. The hon. Member was generally very profuse in his observations on hon. Members at the Ministerial side of the House who withdrew Motions, and made, as he used to designate them, sham fights. In future, such attacks could not very consistently come from the hon. Member for Sheffield, after his conduct in this instance; at all events, if he should venture to make them, he must expect to be encountered with arrows from his own quiver. The grounds upon which this Bill should be rejected were now better understood than perhaps they were at the earlier stages of the measure; and it was therefore probable that, on the third reading, some of those hon. Members at his side of the House who had voted for the second reading would think better of it, and that those who had opposed it would on this occasion be more numerous and in better company. He was happy to vote against this Bill in company with those to whom he was generally opposed, although the right hon. Secretary for the Home Department had chosen to indulge in some merriment at the hon. Member for the University of Oxford, voting in conjunction with the hon. Member for Durham. He had voted also with hon. Members opposite against this Bill, and he did not find himself contaminated by them, and he believed they were not infected by him. He concurred with them not only in the purport of this vote, but in some of the motives, and in many of the arguments, on which they rested their opposition to this measure. He did not concur in all those arguments. He did not, for instance, concur with the hon. Member for Durham, when he stated, that all the freedom and civil liberty which this country enjoyed they owed to the conventicle. That was not his opinion. But he was ready to confess that to the resolution, firmness, and perseverance of the Dissenters, civil liberty was much indebted, though these qualities were not always exercised with discretion. In the reign of the unhappy Charles, they persevered in the pursuit of their object with zeal but without prudence, and thus not only failed themselves, but prevented others, who perhaps might at that time have succeeded otherwise, and postponed the dawn of our civil and religious liberty until a later period of that century. That the Dissenters had largely contributed to promote the civil liberty enjoyed in England, he conceded and declared; but who were they who headed the happy effort which was crowned with final success? The seven Bishops, who were called the "fanatical insurgents" of their day; and when these meek and reverend prisoners were taken from the hall which adjoins this chamber, and borne along the tide in bondage to the Tower, the shores of this river were on each side crowded with the whole population of the capital; Churchmen and Dissenters in one crowded mass together, cheering them with prayers and acclamations; those as the pastors of their faith, and all as the champions of their freedom. Thus now should Churchmen and Dissenters unite in the cause which was equally dear to both; and happy was that example to which he had adverted, when the Churchmen, taking the lead, had marked out a safe and successful course for all. There was something like the crisis of which he had been speaking, at the present time. When these "fanatical insurgents," the seven Bishops, were acquitted, the shouts of the army at the

event attracted the notice of the King, who asked what it was. Some of the courtiers answered that it was nothing —it was only the army shouting for the acquittal of the Bishops. "Do you call that nothing?" said the King; and he would now ask Her Majesty's Government did they call it nothing when, evening after evening, the Table of the House groaned with petitions against the present Bill to such an extent, that the eloquent Member for Edinburgh compared their appearance to that of a snow storm in his native country? This was an extent of opposition which he was induced to believe Ministers were not prepared for when they asked the sanction of the Sovereign for this measure, and used Her name in its support. But if Ministers had fallen into a mistake with respect to England and Scotland, how were their expectations realized with regard to Ireland? The Prime Minister had told them that he had sent "a messenger of peace to Ireland." Had the messenger come back with an olive branch to tell that the tempest had subsided, and that there was one spot from which the waters of sectarian bitterness had receded, on which the foot of the Sovereign could be set? How had the measure been received? What had been its effect on that portion of the clergy whom it was designed to conciliate? They had seen the publication by some of these clergy, of letters which it would be painful to read in that House, and which letters were utterly unprovoked by the tone of their debates, or the wording of the petitions which were presented in opposition to the measure, though he admitted there were in some of the petitions words which he could wish had been omitted—he meant the words which were used in reference to the Catholic religion. But these words were introduced by the Whigs in the Statutes of William III.; and if any hon. Member brought forward a Motion to the effect of expunging expressions that were repugnant to the feelings, whether of many or of few, he would not be found to oppose him; but as long as they remained on their Statute Book they should not blame those who copied them. They were not adopted in the petitions with the design of insulting; and he could certainly say that those which had been prepared and confided to his hands or presentation had had no such intention. He confessed that it would add to the pain he felt at the success of this Bill to find that it would not produce the effect intended. If it did not conciliate in Ireland—and he gave the supporters of the Bill every credit for a sincere desire to promote the conciliation of that country—how heavily would the failure in the object be aggravated by the repugnance entertained against the measure by the great body of the Irish Protestant people! Many hon. Members who had supported the Bill gave it a reluctant assent, because they thought they would rid themselves of the unpleasant discussion which arose upon the Maynooth grant. In their expectation in that respect he undertook to say they would be disappointed. The Maynooth question was becoming every year of less importance. It was a question almost worn out; but in lieu of that annual question they would now incur the certainty of having one brought forward by the hon. Member for Sheffield, or some other hon. Member, to obtain the payment of the funds for the Maynooth establishment out of the revenues of the Irish Established Church. They had changed it to that question. He was certain that hon. Members who would vote for the third reading of the Bill on the grounds of the convenience of getting rid of an annual discussion, would find that it would only produce the unhappy effect of substituting the much more painful and much more dangerous question, that the funds should be supplied in a way which he believed they or the House at large would not be prepared to sanction. The Irish Members, supposed to be most interested in this measure, had met the question with a candour and honour which he should say was characteristic of their nation. They certainly could not hereafter be charged with having misled the supporters of the Bill. They plainly told them what the end must be, since they had made a beginning. The hon. Baronet the Member for Waterford voted against the Motion of the Member for Sheffield, and voted with the Minister, from a feeling of gratitude to him; but when expressing his gratitude, he said that so long as the grant was made, it was a matter of indifference to him where the money came from; but if it were their fancy to preserve the Irish Protestant Church, they must pay for it. That was what the Irish Members plainly told them. If they gave that vote, and choose to keep the Irish Protestant Church, they must pay for it. This was a matter which it would be well hon. Members should consider before they gave a vote which admitted ano-

ther and a new principle, and one most foreign to the Constitution. In the course of this debate, it was remarkable how little they had heard of the original establishment of Maynooth. The public documents referring to it were very brief. The speeches in the Irish Parliament were equally so, and the message of the Lord Lieutenant consisted only of a few lines. They were, indeed, left by those who introduced this Bill with very little information on the subject. It was thought sufficient to say that the measure met with little or no opposition when first introduced, and that afterwards it had been renewed by annual votes regularly, with only one exception. Now this statement was true, but it was far from being the whole truth, and that one exception had never been explained. He had met with a publication issued at the period of the Union, and the authority of which he was sure would not be disputed. It was one of the publications meant to forward the Union, and was the production of a gentleman who was a Member of the Irish Parliament at the time, and was subsequently a Member of that House. He was Member for the city of Armagh.—[An hon. *Member:* Name him.] Dr. Duigenan. He was a Protestant, and no doubt a stanch Protestant, and he admitted, if they would, a partisan; but he believed in every respect an honourable man. He held for a considerable period a prominent position in that House, and was esteemed a person of strict veracity. He issued this publication in 1799, when all the parties concerned were alive, and it was not reasonable to suppose that in that case he would have put forward a fabrication respecting a transaction which had taken place only four years before. The hon. Member then read the following extract of a work published by that gentleman in 1799:—

"In the Session of the Irish Parliament of the year 1795, a Bill was introduced by the Secretary into the House of Commons, entitled 'An Act for the better Education of Persons professing the Popish or Roman Catholic Religion.' This Act empowered certain trustees therein named, to receive donations for establishing and endowing an academy for the education of persons professing the Roman Catholic Religion, and to acquire lands exempt from forfeiture by mortmain, not exceeding the yearly value of 1,000*l.*; and a clause was introduced at the end of it for giving those trustees the sum of 8,000*l.* out of the public money as an aid to the undertaking. This Bill passed through the House, and was enacted into a law without opposition, and with little notice or discussion. No Member of either House thought it a matter of sufficient importance to warrant an opposition, supposing the Romanists were to complete the business at their own costs, and that Parliament would hear no more of it. The projectors of this scheme of a Romish seminary, however, were determined not to let the Irish Parliament off on such cheap terms: the English Secretary procured the payment to the trustees of large sums of money out of the public purse, amounting in the whole to near 40,000*l.* In every subsequent Session a regular charge of 8,000*l.* was made to Parliament for its annual support. The magnitude of this sum for such a purpose startled some of the Members of both Houses, and regular accounts and items of the establishment and expenditure were called for; and it appeared, in the Session of 1798, that not one penny had ever been received by the trustees from any Romanist as a donation; that the establishment was for the exclusive education of 200 students in divinity only, as a source to furnish a perpetual supply of 2,000 Romish priests to the kingdom—that each of those students was to be entertained in the seminary for four years, and then priested and sent abroad as an officiating clergyman—that the annual sum of 8,000*l.* was required for the maintenance of them and their teachers; that is, these 200 students were to be educated at an annual expense of 40*l.* per head to the nation—that none of the Romish laity were to be admitted as students at this seminary, which is neither more nor less than a Romish monastery erected and to be supported by the Irish Protestant Parliament, for the sapient purpose of training a perpetual body of 2,000 missionaries, to be dispersed through the nation to propagate systematic doctrinal disaffection to the established Government in Church and State. Many Members of both Houses expressed their dislike of this institution; they did not fail to state to the Minister that Parliament had been led, by great cunning and address, into an acquiescence with the measure in its infancy — that the Bill did not warrant so dangerous an innovation — that it only empowed Irish Romanists to found a seminary at their own expense for the education of their youth in general; yet this was a seminary founded and to be supported at the expense of the nation for the exclusive education of the Romish priests; that it was evident the Romish laity did not desire nor want such a seminary, for they never had subscribed a shilling to its support. They could not comprehend the public utility of educating Romish youth destined for the ministry in different schools from the lay youth of that persuasion; they knew it to be an old policy in the Court of Rome to separate the clergy from the laity in all concerns relating to private life as much as possible; that it might attach the clergy in all countries to its own particular interests; but they could not comprehend the necessity

of their supporting such a political system. The Minister was very hard pushed in the year 1798 in carrying the grant of 8,000*l.* to this monastery through the House; many of his most attached friends deserted and left the House during the debate. He was obliged to send out his emissaries to rally his scattered troops, and he carried it at last by a reluctant majority in a very thin House, few more than forty Members being present. In the last Session of the Irish Parliament the new Minister introduced a Bill in the House of Commons for a grant of something less than 8,000*l.* to this monastery. It passed the House and went up to the Lords, where it was thrown out. It appeared on this occasion that sixty-nine students only, instead of 200, were maintained in the House, notwithstanding the charge for the support of the full number was but very little diminished. It was currently reported, and very generally believed, that about thirty-six Romish students from this monastery had, on the breaking out of the rebellion, joined the insurgents, and fought at Kilcock and other places against the King's troops; certain it is, that sixteen or seventeen have been expelled from it on account of the rebellion."

He did not wish to press that part of the subject, as he was disposed to take into consideration the general state of Ireland in 1798. But he would take the opportunity of alluding to the remark of the right hon. and learned Member for Dungarvon, who stated the other night that if the Catholic clergy and students had been engaged in the rebellion of 1798, those engaged in it from Protestant colleges were both more numerous and more determined. That assertion was not borne out by the statement which he (Mr. Bankes) was then reading. At the same period seventeen students of Trinity College were implicated in a similar accusation. If the merits of the students on the one side were to be compared with those of the other, the balance would not—as was argued by an hon. Member a few nights ago—be in favour of Maynooth, but quite the contrary. For of 700 students, only seventeen were expelled Trinity College on that charge, and of those all, excepting four, were Roman Catholics; while out of sixty or seventy students at Maynooth, thirty-six were implicated. He thought the authority which he had quoted would hardly be disputed; the publication was entitled *A General View of the State of Ireland;* it was written, as he had already stated, with the intention of forwarding the Union; it was by no means a controversial publication; and the origin and condition of Maynooth were accidentally noticed as a part of the complete view of the state of Ireland. The Bill for establishing Maynooth was proposed for the purpose of repealing a disability under which the Roman Catholics laboured. In the then state of the law the endowment of such an institution would be subject to immediate forfeiture, and the party endowing would be subject to the penal acts then in force. This Bill removed those disabilities, and added a clause which gave 8,000*l.* as a donation for starting the project; this donation being granted by a clause in the Bill which was expressly and purposely separated from those parts of the Bill which contained any terms of permission for endowment. This project thus authorized and encouraged had signally failed; for it appeared that, during the remaining five years of the Irish Parliament's existence, one shilling had not been contributed towards the support of the institution by the Roman Catholics. The Dunboyne grant was made at a later period, and this was the gift of a Protestant. It was a mistake, then, to suppose that there was nothing new in principle in the Bill before the House. The College of Maynooth was originally intended to be a general college for Romanists, lay and clerical; but it had been since exclusively used for the education of Roman Catholic priests. It had been stated by an hon. Member that it was the universal practice in all Roman Catholic countries to educate those intended for the priesthood in colleges of this exclusive character. He had heard that statement with surprise. He was aware that at Rome, and in Spain, during the existence of the Inquisition, that course had been pursued; but he hardly believed that any hon. Member would assert that that practice obtained in Germany, Prussia, or France, or that the wise King who sits on the throne of the latter country would permit it. Belgium in particular had been mentioned; but the circumstances in which that country was placed were not of sufficiently long date to enable us to form any decided opinion as to the results of such a system; and the mention of Belgium brought to his recollection some very particular circumstances. Previous to the passing of the Relief Bill, the argument that had the most weight was one urged in a pamphlet written by an hon. Friend of his (Mr. Bankes), now a Member of that House. We were told to look at the happy union existing between Belgium and Holland:—

"I have seen (said the writer of that pamphlet), the deliberations of their national as-

sembly, where Protestants and Catholics mix together, and canvass the interests of that united kingdom without difficulty, under the happy auspices of a Protestant king."

Much more to the same effect was contained in that publication. That argument was used in the House of Commons, also in the House of Lords, and had great weight. It assisted materially in carrying the Relief Bill. But what was the result of that "happy union?" The measure passed in the spring of 1829, and in the autumn of 1830, Holland and Belgium were separated. He should, therefore, pause before he allowed himself to be influenced by any argument founded upon the practice as prevailing in Belgium. He saw now a Protestant king on the throne of that country; but who could say that he would have a Protestant successor, if seminaries of this kind were allowed to fetter the minds of the priesthood? Roman Catholic priests brought up in this unnatural state of social seclusion would have no sympathy with the liberal principles of the present age —their minds would be fettered with notions belonging to the time when monastic institutions prevailed. Restitution had been spoken of by a noble Lord, and the Universities had been alluded to as the source from which that restitution should be made. But he would venture to ask, if restitution were to be made, could it in any spirit of justice be applied to monastic institutions of this kind? Did not history show that all the great disturbances that arose in the early period of our monarchy occurred between the different classes of the Roman Catholic clergy themselves? between those who were in favour of those exclusive institutions, and those who were against them? Undoubtedly, those who were in favour of that exclusive system were wise in their generation; for had it been uniformly acted upon, the dawn of civil and religious freedom would have been postponed to a much later period. If Oxford University had been formed on this exclusive principle, would a Wickliffe ever have been found within its walls? The same might be said of foreign Universities. Luther would not have found a seat in a professor's chair, nor pupils to listen to his doctrines, if all those educated for the Romish priesthood in Germany had been educated on this exclusive system. It might be wisdom on the part of those who desired to exclude the possibility of further reformation, to take warning by what had passed in those Universities that were more liberally founded; but was it wise, just, or national, to call on the people of England to pay for the support of a system calculated to prevent the possibility of further reform? But this was the tendency of the present Bill. The right hon. Gentleman at the head of the Government said he had given warning in the course of last Session of his intention to improve Maynooth. Improve Maynooth! Was this Bill to be considered as an improvement? Even the partial visitation which before existed was to be entirely done away with by the present measure. The institution was now to be connected with the State merely by the sum to be granted, but everything like control over the institution was disavowed. In the work he (Mr. Bankes) had referred to, it was stated that the original allowance to the students at Maynooth was 40*l.* a year for each of 200 students. It was now said that the institution was a disgrace to the nation by being overcrowded with a surplus number of students. But whose fault was that? The right hon. Gentleman at the head of the Government asked more than once could the nation permit itself to be reproached with having in connexion with it an institution so overcrowded? But if double the number of students, which the law intended were introduced into the institution, was Parliament to blame for that? Was Parliament to blame if the rooms were overcrowded, and if those violations of the ordinary forms of decorum which were complained of existed? The right hon. Gentleman said more than once that rather than this state of things should continue, he would infinitely prefer the withholding the grant altogether. He (Mr. Bankes) could only regret that his right hon. Friend, connected as he had been with Ireland for so long a period, did not at an earlier opportunity propose the abolition of the grant; and he would no doubt have been supported in such a proposition by many Gentlemen on that (the Ministerial) side of the House. But if he thought the sum voted inadequate, it was unfortunate that, during the nine years he was in opposition, he did not propose to Gentlemen on the other side to double it, for there could be no doubt of their willingness to support such a Motion. And it would have been a less mischievous proposition to have doubled the sum granted on the same principle on which it was then given, than to have brought forward this measure, which

was so adverse to the principles of the Constitution. The hon. Member for Newark said, "I cannot but observe, with reference to this debate, that no Member who has yet spoken has measured the real breadth or height of this question." That observation was perfectly correct. The breadth of the question exceeded all the endowments of the Irish Protestant Church, and the altitude of it was far higher than our cathedal spires—it reached above the Throne itself. If the principle involved in this measure were carried out, who, having voted for the measure, could—as the right hon. Member for Newark observed—resist, on any religious principle, the endowment of the Roman Catholic priesthood? Who would tell him that the day might not come when they would not be able to resist the advent of a Catholic successor to the Throne? He must not be answered that he was conjuring up idle fancies. What had they not all witnessed within the last year? One of their own Colleagues, a Member of that House, openly becoming a convert to the Roman Catholic Church, and honourably, he must admit, resigning his seat there in consequence of his change. Who would tell him that his fears with respect to the Throne were idle? He believed that an hon. Member near him had said truly, that every safeguard against Romanism would be removed when the Bill became law. If the Legislature was prepared to abandon the principles upon which they had hitherto acted—principles which formerly were asserted to be the same upon which the Throne was based, let that be declared, and do not let them be undermined and destroyed by such a measure as the present. Let the House not abandon in such a manner all that their forefathers regarded as vital to the Constitution of the State. If that Constitution were to be destroyed, let it be deliberately, openly, advisedly dealt with; let the full extent and breadth and height of the changes that were proposed be stated and discussed. Now, the moment for giving their last vote upon the measure had arrived, he must tell the right hon. Baronet, that if he beat his opponents, as he most probably would—although he might beat them in that House, he would not do so in so far as regarded the country. It was said after the battle of the Boyne, and when the kingdom was lost and won, and whilst the victors and the vanquished were lying indiscriminately mingled together on the field of victory, or, to use the beautiful words of a modern poet,—

"When thousands had sunk to the ground overpowered,
"The wearied to rest and the wounded to die—"

the brave Irish cried out to their English victors, "Change kings and we'll fight the battle over again." So likewise would he now say to the right hon. Baronet, "Change the Parliament, and we will fight you over again." We do not desire to change kings, for you have both the kings, you have the black as well as the white king on the board, for your coalition has given you that advantage over us. But we tell you to change the Parliament if you dare, and we will give you checkmate with the pawns in a week. And, moreover, I take this opportunity of telling my right hon. Friend the Secretary of State for the Home Department, who was so strenuous an advocate for the Reform Bill, that he was either wrong in the course which he took then, or he is wrong in that which he now pursues. He was wrong in dissolving the Parliament, and in appealing to the country upon the question of Reform, unless he take precisely the same course with respect to the measure now before the House. I tell him that the people will so interpret his present proceeding. And to the right hon. Baronet, lastly—since beseeching is of no avail—I now say, that here in his place, and in the name of the people, I defy him to dissolve the Parliament. I beg to move, Sir, as an Amendment, that this Bill be read a third time this day six months.

Sir *R. Inglis* seconded the Amendment.

Mr. *M'Geachy:* Mr. Speaker—Sir, having in vain attempted, in the earlier stages of this protracted debate, to catch your eye, I had at one period of these discussions determined to abandon my intention of addressing the House upon this question. But the character which the opposition to this measure has now assumed, the construction which has been placed upon the support given to the Government by some Members of their party, and the excitement of the popular feeling upon this subject, have determined me to place before the House, as concisely, and as distinctly as I can, the grounds on which I rest the vote which I shall give in favour of the third reading of this Bill. Sir, no man can accuse me of a servile acquiescence in the measures of Her Majesty's Government. Where I have honestly differed from that Govern-

ment in opinion; and it has been my misfortune, on more than one important occasion, so to differ; I have never shrunk from avowing that opinion, and have proved my sincerity by my vote. I feel, therefore, more especially bound on the present occasion, cordially concurring, as I do, in the principles on which this measure is based, to give to the Government an open and an unflinching support, when, by adopting a course which I believe to be just and right, they are exposing themselves to great, and as it appears to me most undeserved, misrepresentation and obloquy. Sir, there are two words which I would gladly see banished from the English language, if by so doing we could also banish the policy they represent—those two words are "conciliation," and "concession;"—words which, I in my conscience believe, are at the root of half the evil of our government of Ireland,—

> "Hoc fonte derivata clades,
> In patriam, populumque fluxit;"

and it is because this measure is brought forward as an act of justice, and not as a concession to intimidation, that I regard it with the greater satisfaction; and that I hail it as the commencement of a larger, a more comprehensive, a more statesman-like, and, let me add, a more Christian policy with reference to the administration of affairs in Ireland. I say, a more Christian policy—and I use the term advisedly, because, after all that has been said upon this subject, it is the religious objections, felt towards this measure by a large number of the people of England, which constitute our greatest difficulty; and to those objections, where they are honestly entertained, I am prepared to give their full weight: but I would not consent to sit in this House for one moment, if I am to be guided in the votes which I shall give, otherwise than by my own conscientious convictions. Those convictions, after the best consideration that I have been able to give to the subject, are entirely in favour of this Bill, as a measure of sound policy, and of tardy justice, and I therefore feel bound to support it. Sir, it is as a Protestant, and as a member of the Church of England, that I support this grant; not as having any leaning towards Rome—not as having any sympathy with those who say anathema to the principle of Protestantism; and who, by training their minds in what we were wont to deem an anti-English casuistry, run, as it appears to me, no small risk of losing the very faculty of apprehending truth. I have no sympathy with these; nay, I am ready to make any sacrifice to maintain the honest Protestantism of the people of England; but I do not see why that is a reason for rejecting the claims—the just claims as I deem them—of our fellow countrymen, and fellow Christians, who adhere to the doctrines of Roman Catholicism in Ireland. The religious objection, on the part of a member of the Church of England, to the grant to Maynooth, can only rest upon the assumption that Roman Catholics are not Christians. That is really the base of the argument. With the opinions of the various sects which unhappily divide this country, I have nothing to do. But this I know, that the Church of England, to which I belong, does recognise the Church of Rome as a Christian Church, and she is acknowledged as such in her Articles. The Roman Catholics are, therefore, Christians; erring, according to the Church of England, yet Christians, and therefore entitled to our sympathy. If their errors, though most serious, be not fatal, then surely the greater question of their Christianity comes in; and as was justly said by one of the ablest and most eloquent of their advocates in years gone by—"Surely their merits as Christians may well outweigh, in our eyes, their demerits as Catholics." But, does the Church of England confine herself to a mere theoretical recognition of their Christianity in her Articles? Does she give no practical proof of the reality of her belief? Are hon. Gentlemen who oppose this grant actually ignorant of the fact, that the Church of England admits her baptism—nay, that she goes farther, and admits her orders, so that an ordained minister of the Church of Rome is admitted without re-ordination into the ministry of the English Church. In talking over this question recently with a gentleman of great ability, an intimate friend of mine, and a minister of the Established Church, but strongly opposed to the present measure, in answer to a remark, that in legislating for Ireland we ought not to forget that we were legislating, speaking generally, for a Roman Catholic country; he observed,—"True, you may remember in legislating for Ireland, that you are legislating for a Roman Catholic country, just as in legislating for British

India, I presume you would not forget that you were legislating for a heathen country, and yet I do not find you proposing to pay the priests of Juggernaut." Now, this is just the point to which I should wish to bring the issue of this question; and I would avail myself of this opportunity, most emphatically to declare my conviction, that this is not a question of religion, as between Christian and Hindoo, but a question of justice as between two great branches of the Christian family. The question is not simply one as to the propagation of error, but as to the exercise of religion. There stands the fact, mislike it as we may, that seven millions of the Queen's subjects in Ireland adhere to the Roman Catholic faith — a faith endeared to them by centuries of ruthless persecution. The other fact — that the country is territorially Protestant (to say nothing of the mode in which it came to pass that it is so), only adds, in my judgment, to the force of the argument in favour of this endowment of Maynooth. We have, therefore, to make our choice between these two courses. We may choose irreligion; the leaving the great bulk of the population without any religious provision, as far as the State is concerned. We may choose to have the religious rites of the Roman Catholic Church ill performed, through the ignorance of the priests; we may foster and promote an utter want of sympathy between Christians. On the other hand, we may, by an enlarged and improved system of education, raise the priests in the estimation of the people, and give a general stimulus, through their means, to education throughout the land. We may thus, also, give a stimulus to the Protestants of Ireland, and excite them to a generous rivalry. And when you consider how changed is the condition of the Protestant Church in Ireland, since it has ceased to rest for its support upon the now broken reed of Protestant ascendancy — there surely will appear to be some force in this argument; and if we really believe that "*magna est veritas et prævalebit*," that truth must ultimately prevail; is Protestantism, the offspring of free inquiry, to lose by increased light? and are we, as Protestants, to shrink from placing the Roman Catholic priesthood and laity of Ireland in a better position — to judge of the truth and purity of the doctrines we profess? I well know that this is an argument which is treated with something akin to contempt by those who think that there is a *prima facie* case against Protestantism; and that it is but a religion of negatives. Be that as it may, I am well convinced, that any form of religion must lose by being identified with injustice and oppression; and that Russia is just as likely to make converts to the Greek Church in Poland, as England would be to advance the cause of Protestantism in Ireland by adopting the policy which the opponents of this measure would recommend; and which, if they had the power, as they have the will, they would force upon the Government. But there is another objection advanced against this line of argument, which is this. It is said, "If the Roman Catholic religion is to be thus endowed in Ireland, then all sects must be supported." Now I do not see that this necessarily follows; unless, indeed, we sit here to form graceful theories, and to draw political parallelograms, and not for the purposes of practical legislation and good government. It cannot be denied that the Roman Catholic Church in Ireland does stand on very peculiar ground; and although I am perfectly prepared to maintain the right of the State to constitute one form of religion supreme, professing it itself; I think any reasonable man must allow that the number of Roman Catholics in Ireland, the numerical proportion they bear to the rest of the population, does give them very strong claims upon the favourable consideration of Parliament. But in dealing with a great question of State policy like this, it is our bounden duty not to forget the past. We must not forget what has been our treatment of Ireland. I will say nothing of restitution; as that accidental phrase of a noble Lord, a Member of this House, appears to have given offence to England, both young and old: but I will say thus much, that in dealing with Ireland you must remember, that we have not only to do justice, but to repair injustice. We have no right to forget the penal laws and the state of the country consequent upon their enactment; we have no right to forget that the ignorance of the Irish people is not the result of natural causes. No! for the first time in the history of the world it has been the direct consequence of legislative enactment. It cannot be too often impressed upon the public mind

in this country, that the state of Ireland, dangerous as it is, is but the necessary consequence of a tyrannical and monstrous system of Government. We are too apt in this country to look upon Ireland as an original sin—a curse—a land in which crime, and ignorance, and evil passions, spring up, selfsown, in wild luxuriance, and in a congenial soil. Let it never be forgotten, for it is a solemn truth, pregnant with instruction to statesmen and to nations, that we only reap as we have sown; that we only gather in that crop which our forefathers planted, which they watered in each successive reign with jealous care, and which has sprung up for the present generation in a plenteous harvest of difficulty and danger. A nation cannot be politically without being morally enslaved; and never did effect follow cause in more logical or more disgraceful sequence, than did the barbarism of Ireland the course of British legislation. I shall not weary the House by entering at large into a review of those acts which under successive Sovereigns ensured these fatal results; but in reference to the intolerance which has been displayed out of this House on the subject of the present measure, it may be useful to point out some few remarks of an able writer upon the period of the Commonwealth.

"The cruelty with which Cromwell," he observes, "put down the rebellion was no vice of the times. No, 'twas the outbreak of that uncharitable fury of men who think it a great argument of the truth of their religion, to endure no other but their own."

Men, in fact, who first assume their opponents to be Amalekites, and then find Scripture warrant for crying out "Down with the Amalekites," and for destroying them root and branch. Speaking of the same period, this writer further observes—

"Not only was the alternative of Hell or Connaught offered by the Puritan conquerors to the Irish Catholics, but the harsh statutes of Elizabeth, which ordered their priests to be hung, drawn, and quartered, were reproclaimed, and strictly acted upon. They set the price of five pounds on the head of a priest and a wolf, and the production of the head equally entitled the beheader to the reward. The exercise of their religion, even in private, or the concealment of a priest, was punished with death."

Now, Sir, I know of no such tyranny in history; and I maintain that you cannot treat this as an abstract question. If the Irish peasantry are ignorant, bigoted, superstitious, and revengeful, who made them so? Whether you like the doctrine of restitution or not, are you to do nothing to repair these great and manifold injustices? Do you object even to reparation? On the Restoration, Roman Catholics were excluded from both Houses of Parliament in Ireland; yet the able and enlightened Ormonde, by a slight relaxation of the Penal Laws, kept Ireland quiet; while England, where the Catholics were but as seven to a hundred Protestants, was kept in constant terror by Popish plots—"a convincing proof," as has been well observed "that the internal peace of a State depends much more upon the prudent conduct of its governors, than upon the suppressing by extreme rigour the preponderance of any religious opinions, how opposite soever they may be to those established by the law of the land." After the Revolution of 1688, in direct violation of the Treaty of Limerick, passed those Acts depriving the Catholics of all means of educating their children either at home or abroad, of the right of keeping school, or instructing youth, even in private houses, of which Burke has remarked —"I have ever thought the prohibition of the means of improving our rational nature, to be the worst species of tyranny that the insolence and perverseness of mankind ever dared to exercise." In the next reign passed those Acts which Burke denounced, with equal justice, as "the ferocious Acts of Anne," by which special care was taken to ensure still further the ignorance of the rising generation, already, one might have thought, sufficiently provided for by the existing statutes. Roman Catholic priests were precluded from teaching the people their duty to God and their neighbour, by a statute which forbids them, even in the most extensive parishes, "to employ any curate, assistant, or coadjutor;" and lest love for their country, and for the honour of God, should tempt any to violate this law, and to give instruction to the poor, it was again enacted, "that Papists teaching school publicly, instructing in a private house, or being ushers to Protestant schoolmasters, should be punished as Popish regulars," that is, should be banished the kingdom, simply on pain of death, if they returned. It is, Sir, because I believe that in spite of the agitation which has been got up with reference to this question—an agitation easily

accounted for, when we know that 40,000 circulars have issued in one week from the Exeter Hall Anti-Maynooth Committee—it is because I believe that a new feeling has sprung up in this country with regard to Ireland, a desire to do justice for justice sake, even at the cost of deeply-rooted prejudices, that I have felt it my duty to call the attention of the House to these Acts of the Legislature; to point out to them the fact, that it thus became an absolute necessity, that, in the course of two centuries, putting aside the original barbarism of the country, and the disastrous revolutions to which it had been subjected, a population should grow up, fearing not God, nor regarding man; ripe for revolt; without faith in the promises or confidence in the justice of their rulers; the victims of oppression and tyranny; the ready tools of the agitator and the disaffected. Their hatred to the law was natural; because that which in other countries was the refuge of the oppressed, they knew only as the instrument of oppression. Now, Sir, if we are to make any grant at all to the College of Maynooth, the arguments in favour of making that grant permanent, appear to my mind clear and unanswerable. Nothing, I am convinced, can be more injurious to the best interests of religion, than the feelings of bitterness kept up by these annual discussions between Protestants and Roman Catholics—nothing can be more lamentable than these periodical outbreaks of bigotry and intolerance. Bigotry and intolerance had, I thought, reached their utmost limits in the year 1843, when the Dissenters of England (of whom I am perfectly ready at all times to speak with respect, claiming for myself, however, the same liberty of opinion which I am prepared to concede to them) induced the Government to abandon their Bill for promoting Education in the Factory Districts—a measure which I thought then, and think now, would have been productive of great advantage to the people of this kingdom. Encouraged, it is to be presumed, by their success on that occasion, they have, however, out-Heroded themselves on the present occasion; and the fanaticism which then hurled its anathemas against the English bishops and the English Church, has now spent its violence, in terms as unmeasured, upon the Roman Catholic clergy and the College of Maynooth. But let us, in passing, consider for one moment what are the materials of which the opposition to this measure is composed. On what ground, that is really tenable in argument, members of the Church of England can oppose this grant, as I have already stated, I am at a loss to conceive. That those who are in favour of the voluntary principle should oppose it is perfectly intelligible; but that my hon. Friend the Member for the University of Oxford, from whom I deeply regret to differ upon this question — that he should avail himself of their assistance, must surely remind every man in this House of that most instructive fable of the man, the horse, and the stag. Here is the great champion of the Protestant Church as by law established in England, and, what is more, of that Protestant Church as by law established in Catholic Ireland, calling in the aid of the Dissenters to refuse to endow a religious Establishment on principle; forgetting how he is placing his own Church in peril by so doing. The resistance to the grant to Maynooth on the part of those who would maintain intact the Protestant Church Establishment in Ireland, strikes me as one of the most suicidal acts recorded in history. But I must, in passing, call the attention of the House to the tone which has been adopted by the opponents of this measure, with reference to those Members of this House who have thought it their duty to support the measure proposed by Her Majesty's Government, and also to the spirit which only two short years ago animated those various denominations of Dissenters who are now in close alliance—I use the term in no offensive sense—with the hon. Baronet the Member for the University of Oxford, and who represent themselves as the staunch defenders of the Protestant Church of this kingdom. Sir, the document which I hold in my hand, is a circular issued under the authority of the Central Anti-Maynooth Committee—a copy of which, no doubt, many hon. Members of this House have received. Now, I verily believe that if, some twenty years hence, a copy of this document should fall into the hands of some zealous Protestant, he will consider it to have been a device of the enemy. I should not be surprised to hear it asserted that this document was drawn up, printed, and circulated by the Jesuits, in 1845, in order to bring discredit upon the opponents of this Bill, by the looseness of its

morality, and by the very questionable nature of the principles it lays down. They first desire the presence of friends from each district of the country to vindicate their petitions, (and if they are got up in the same way as some of the petitions of 1843, it will be no easy task so to vindicate them,) and to assure the Prime Minister of England that they but faintly express the unmitigated hostility of all classes of the community to his most offensive measure. Now, I believe much of this to be pure assumption. I believe that the hostility is not unmitigated in many quarters where it is supposed to exist, and that it is not shared to any great extent by all classes of the community. I believe that it does not prevail to any such great extent amongst the clergy of the Established Church; and I believe that the country may soon have reason to know that it does not extend to the whole number, certainly not to a large majority, perhaps not to a majority at all, of the prelates of that Church. Such feelings of hostility to the measure do not prevail, I am convinced, amongst the majority of the educated classes; nor, in spite of this unwearied agitation, amongst any great number of that portion of the populatton which, in a matter affecting the Christian faith, we are bound to place in the foremost rank, namely, the Christian poor of this country. The circular then goes on to insist upon the advantage of deputations from the various constituencies, to urge on their Representatives the duty of opposing this measure; for—

"Although those Gentlemen may have supported the second reading of the Bill, it does not follow," they could observe, "that they are hopelessly committed to it. The representations of their friends may materially influence their future conduct."

Now, I do not know what right the opponents of this Bill have to hold such language towards Members of this House. It may not be a violation of Parliamentary privilege, but it is a violation of that right which every Englishman has, or is supposed to have—the right to be accounted innocent, until he shall have been proved to be guilty. Now, I am bound to believe, that those who have supported the second reading of this Bill, have done so, as English Gentlemen, sitting in this House ought to do, honestly and conscientiously; and I do not think that any deputation would have the effect of making any hon. Member change a vote, given upon a most important question of State policy, after mature and deliberate consideration. I do not see how, under these circumstances, any honourable man could submit, at the instance of any deputation, to recede from the vote he had honestly given; to pass through *the Caudine forks* of reconsideration, and to preserve his seat by violating his conscience. That such advice should be even tendered to Members of this House, does look as if there might exist the spirit of Jesuitism, even beyond the precincts of Maynooth. The circular goes on to say, that Protestants should now forget their politics for the sake of their religion. Now this is precisely what was said to the Roman Catholics, *mutatis mutandis*, when the Factory Education Bill was before this House in 1843. They further entreat the deputies to inform their Representatives, Whig or Conservative, of the intensity and general prevalence amongst their constituents of a conscientious feeling against the endowment of Popery, and of the probable influence of that feeling upon the next general election. But be that influence what it may, I trust that the Members of this House will acquit themselves to their own consciences, by voting for or against this Bill upon their own judgment of its intrinsic merits; and that those who vote for it will do so without reference to any future election; and at whatever sacrifice, as I trust I am prepared to do myself, of private friendship or of political support. I cannot but advert here to the quiet assumption which runs through all the speeches of hon. Members who have spoken against this measure, that every Member on either side of the House, certainly on the Ministerial side, must have pledged himself at his election to oppose such a measure as this. Now, independently of having given no pledge on this or any other question (for I would not consent to hold a seat in this House upon any such condition), but independently of that, I did say at my election shat I would support to the best of my ability the Protestant Church of this kingdom; and I am now taking this step, and I am now supporting this measure, because I think, that inasmuch as it is an act of strict justice to the Roman Catholics of Ireland, it cannot therefore be detrimental to the cause of true religion, nor to the real interests of the Established Church.

In the close of their address the Committee state—

"Fellow countrymen, though we have endeavoured to address you calmly, we confess we are indignant at the combination of men of totally uncongenial politics to attack and undermine the Protestantism of this country. Be it ours to form a counter-alliance, based upon the primary doctrines of the Reformation, and upon a mutual forbearance with regard to minor differences. When the advocates of expediency combine, the friends of principle should unite together to resist a policy which is alike subversive of truth and justice."

Here again, these persons quietly assume that all the honesty rests with themselves, all the dishonesty in this matter with their opponents; and they conclude, by saying—

"Be it ours, then, in the spirit of charity towards our Roman Catholic fellow subjects" (not fellow Christians) "to unite together with a generous and honourable respect for one another's opinions, political and ecclesiastical, and by one great and holy confederation to defeat this iniquitous measure."

Now, it is really important for the cause of truth, that the House should consider who the parties really are who form this great and holy confederation; what is their bond of union; and what is their claim to the consideration of Parliament in respect of that union; other than that, agreeing to differ in all other points, they join for once in resisting this imperial act of justice to the Roman Catholic population of Ireland. These same ministers, and others of all denominations, who now sink their hostility to the Established Church of these realms, in favour of the Irish Roman Catholics, spoke of that Protestant Episcopal Church only twenty-four months ago—that Church, which they now profess their anxiety to defend — in language of the most unmeasured vituperation. This anguage was held by men of station and eminence amongst the Dissenting congregations. The successor of that great and good man, Robert Hall, the Baptist minister at Leicester, is reported to have said, at a public meeting, that—

"For his part, he would as soon entrust his children to the tender mercies of the polar bear, and the smiles of the hyæna, as think of entrusting them to the care of the English bishops."

This, be it observed, is not the teaching of Maynooth; bigotry may exist there, but it is clear that Maynooth has not a monopoly of intolerance. These charges, having served their turn against the English Church, are now transferred to the Pope and the Church of Rome. Again, speaking of the clergy, he said—

"I believe these gentlemen to be the most inveterate enemies of freedom which the country contains—to stand opposed to the progress of knowledge any farther than they can control it—to be hostile to free inquiry, and to all true independency of mind." "So decided are my opinions on this subject," he goes on to say, "that were I to descend to my grave to-morrow, I should desire no more honourable eulogy on my tomb than this, which I have some prospect of enjoying—the loud and long execrations of the clergy of these realms."

Another Dissenting minister stated that—

"In Government schools we could not hope for the inculcation of divine truth, but only of Church of England principles;" and, "that sooner than let his children learn the Church catechism, he would give them poison."

Now, Sir, I shall not do violence to my own feelings, nor weary the House, by making any further reference to the spirit which so recently prevailed amongst the leaders of those who are now the allies of my hon. Friend the Member for the University of Oxford—a spirit, which made a liberal journal (ordinarily favourable to Dissent) exclaim:—

"The violence of these men has made us ashamed of our company; it has done more—it has made us resolve, that the voice of our Christian protest shall not mingle with the insane howlings of politico-religious firebrands."

Now, I would ask my hon. Friend the Member for the University of Oxford, and those Churchmen who act with him—whether it is on such support as this, that they are disposed to rest the maintenance of the Protestant Church Establishment in England and in Ireland? And I would ask the Roman Catholics themselves seriously to consider, whether the maintenance of that Church may not prove to be their best protection against persecution; if not, judging from the spirit of these remarks—against the re-enactment of the penal code itself? Sir, it appears to me that the political reasons for granting this endowment to Maynooth are entitled to great consideration. In the first place, a just cause of complaint will be removed; in the next, our measure will have a tendency to raise the character of the priesthood. When Lord Camden in 1795, as

quoted by the First Minister of the Crown, said in his address to the Irish Parliament, under circumstances so peculiar that they ought not now in quieter times to be forgotten; "A wise foundation has been laid for educating at home the Roman Catholic clergy;" what did he mean? Did he mean to speak as the representative of the Sovereign of a great Empire? Did he mean that this was but the beginning of a college, worthy of England—worthy of the numbers—the religious fidelity—commensurate with the wants, and calculated to meet the poverty of the Roman Catholic population of Ireland? Or, did he mean, that a paltry subsidy of 9,000*l.* a year was to be given as a sop to the Papal Cerberus—given grudgingly, to be received thanklessly — to be made the subject annually of acrimonious theological discussion in this House, rather than the source from which, through the instrumentality of an educated and enlightened priesthood, the blessings of Christian instruction were to flow to the remotest districts of Ireland? It is objected to us that Maynooth has failed. To a certain extent I grant that it has failed; but can any man lay his hand upon his heart, and say that the experiment has been fairly tried? We all know that it has not. But there is one argument which I have heard advanced in the course of these debates, against the increased provision which the Government proposes for Maynooth, which I have listened to, I must confess, with mingled feelings of shame and sorrow. That in an assembly of Christian men, it should be gravely objected to the College of Maynooth, that the young men there educated as priests are taken from the humbler classes of society; and that the fare they get there is as good as that which they could obtain at home, is something so strange that it might well-nigh seem incredible. When I talked of raising the character of the priesthood, I confess I was thinking rather of raising the standard of their education —of their intellectual advancement—than of increasing their luxuries, or of drawing persons of a higher rank into their order. I am not insensible to the desirableness of some change in this respect; but I am convinced, that it is the political degradation of their religion, and not the hardships of a priest's life, which has kept the higher orders of Roman Catholics in Ireland out of the Church, as a profession. Those who know any thing of the working of the Roman Catholic Church must be well aware, that it has been more difficult to keep up the ranks of the easy and luxurious Benedictines, than of the self-denying brotherhood of La Trappe. God forbid that I should make the priests of Maynooth gentlemen, in the worldly sense of the term; if by so doing I were to withdraw them from that intimate communication which now exists between them and the great body of the people in Ireland. I would rather see them in the cabin of the peasant, than at the banquet of the peer. It has often occurred to me, indeed, that it might be an awkward question to answer, if put by a Roman Catholic to a member of the Church of England at the present time. "Looking at the state of some of your large towns, and manufacturing districts, where a great population has rapidly sprung up, which of the two churches has most claim at this moment to that which is said to be the peculiar characteristic of a Christian church; that 'to the poor the Gospel is preached'—the Protestant Church, as by law established in England; or the Roman Catholic Church, as by law, up to a very recent period, proscribed in Ireland?" But by this Act we shall do more. We shall quiet the conscientious Catholics and detach them, as we are now doing, day by day, more and more, both clergy and laity, from the career of political agitation. We shall also, indirectly, educate the people, for it is through the instrumentality of their priests, rather than through any mixed boards of national education, that I am disposed to look for the ultimate regeneration of the Irish people; and last, not least, having done that which is just and right, we shall be justified before the country, and shall feel ourselves justified, in adopting strong measures against the refractory, if they should be required; and when I hear that juries have ceased to convict in many parts of the country; that there is perfect impunity for crime; that the assassin stalks abroad in open day; and that the peaceable subjects of the Queen are exposed to murderous assaults, which they are not, and of course cannot be allowed by force to repel; I am, I must confess, the more anxious to do full and impartial justice to Ireland; in order that the sympathies of the people may be enlisted on

the side of order; and that we may be enabled to do that which is the bounden duty of every Government—namely, to preserve the innocent from becoming the victims of the guilty. I have been all along disposed, in the course of these observations, to treat this as a great question of State policy and of justice, rather than on the narrow grounds of compact; yet I think that even on that ground, on the ground of equity, the argument might be maintained. The Seventh Article of the Union supposes an amalgamation of the two countries in twenty years. It provides grants till then for maintaining institutions for pious and charitable purposes. Now, has any such amalgamation taken place? Has it been even possible? We are, therefore, bound in equity by the terms of that Article of the Union to the grant, and therefore to the principle of the grant, and in common sense, and in common justice, we are bound to increase that grant in proportion to the increasing wants of the population. Look, too, at what we have already done for other Churches. We have established and endowed Presbyterianism in Scotland, as the religion of the majority. We give the *Regium Donum* to the Protestant Dissenters of Ireland. If we are to object, as Protestants, to be taxed for the education of the Roman Catholic clergy, may not the Roman Catholics object, with equal reason, to being taxed to support the Protestant Dissenters, some of whom too, are tainted with Arianism? We have joined the Prussian Church, on the basis of the Augsburg Confession, and have united with them in establishing a sort of bishopric *in partibus*, at Jerusalem; and are we now to refuse to assist the Roman Catholics of Ireland to educate their clergy? I ask this House, solemnly, and I ask dispassionate and thinking men in this country, can we refuse as Christians, as Legislators, as Statesmen? If we do so refuse, I for one honestly confess, that I see no alternative but a Repeal of the Legislative Union with Ireland. Look, too, at the claims which the Irish have upon us. Look at their fruitful country—the source of a large revenue—and, under happier circumstances, holding out a sure promise of great and increasing prosperity to this kingdom. Look at their services in war, and God forbid that I should believe the traitors, if such indeed there be, who would have us to believe, against the experience of the past, that if a foreign war should break out, that generous and gallant people would desert us in the hour of peril. I know that they would not. This libel came not from the Saxon; and I leave it to those from whom it did come, to explain it to the Irish people. But I would have you look at their services in war, long before, in 1829, you had thrown open to them the higher posts in our army and navy. Look too at the fidelity of multitudes of Roman Catholics during the rebellion of '98; and let us remember that the Protestantism of the North was not then found the surest safeguard of the British power. Let us allow the Roman Catholics of Ireland to spend some portion of what they themselves raise, in educating the ministers of their faith; and as they submitted to the Union, let us carry out the terms of that great contract, not only in the letter but in the spirit. And surely it can scarcely be necessary that I should, before I sit down, press upon the Protestant people of England any apology for the attachment of the Irish people to their form of Christiantity. Let it be remembered all along, that they are uneducated, and therefore ignorant—that they look at the antiquity of the Roman Catholic faith, and that it is connected with all their recollections of Ireland's former independence and greatness—with the ruins of their monasteries; with all the romantic legends of their wild and beautiful country—that they look at the universality of their religion as compared with Protestantism; and that in the midst of his own poverty and degradation, the Irish peasant feels, and feels proudly, that he too belongs to that form of Christian faith to which the greater part of Christendom still reverently adheres. Think, too, of the nature of that religion; that it appeals to the senses, and is, perchance, better suited than our own to an uneducated and ignorant people, such as the peasantry of Ireland have been made in great measure by our legislative enactments. Let us remember too, that it has afforded them their only domestic comfort, their only consolation under our penal laws; and then we may cease to marvel that the Irish peasant clings to the faith of Rome. Nor is their hatred to Protestantism less natural. With us, in England, Protestantism is connected with all our ideas of civil and religious liberty, and with many

endearing associations. But how have they known Protestantism? They know it as the religion of the Pale—they know it as the religion of Elizabeth, and they test it by her treatment of O'Neill. They know it as the religion of the Puritans, and they test it by Cromwell's treatment of Drogheda—by the alternative of Hell or Connaught offered to their miserable forefathers; by all the awful atrocities and reprisals of that dreadful period. They know it as the religion of those who treated hem as rebels, because they adhered to their lawful Sovereign, before the Irish throne had been declared vacant by the Irish Parliament; who imposed the harsh Treaty of Limerick, and then violated that Treaty in all its most essential provisions. They know it, lastly, as the religion of those who devised and maintained the Penal Laws—a code to which that of Draco was merciful, inasmuch as the death of a freeman is better than the life of a slave. Until of late, we have left them without schools; there has been no effort on our part to remove the ignorance we ourselves created. Until now, each gift has been wrung from us—redress of grievances has followed, and not preceded agitation; but now at last, I trust, that a new epoch has come; a happier day has dawned upon these kingdoms—that of us, too, it may be said with truth:—

"Ultima Cumæi venit jam carminis ætas;
Magnus ab integro sæclorum nascitur ordo.
Jam redit et Virgo—redeunt Saturnia regna;
Jam nova progenies cœlo demittitur alto."

Yes, Sir, in sober earnestness I do believe' in spite of all the agitation upon this question, that the people of Ireland are not to mistake the ripple upon the surface, for the deep stream of the popular will in this country. I do believe, that a generation has grown up in England, strangers to all the feelings excited by the proceedings of '98, and favourable to the measures now proposed for carrying out social amelioration in Ireland. It is my firm conviction, and I would seriously press it upon the Irish, of whatever creed or party, that it rests now rather with the Irish, than with the English people, whether the animosities and miseries of centuries shall be forgotten amid the advancing peace, prosperity, and civilization of Ireland. Not English tyranny, but Irish agitation, is now the bar to the improvement of that country. There may be some men base enough to pervert even the facts of contemporary history to serve the purposes of faction; but no true man can deny that there is now an earnest desire on the part of England to do full justice to Ireland. Not, therefore, Sir, as having individually any leaning to Romanism; not as having any sympathy with the peculiar theological doctrines of the new school of Oxford; nor with what I must deem the intolerance of those who denounce this as an Antichristian measure; but as the advocate of civil and religious freedom; as the supporter of, and the maintainer of real toleration, I give my cordial support to the measure of Her Majesty's Government; and I do so, with the hope, and in the confident expectation, that this is the commencement of a larger—a more comprehensive — a more statesmanlike, and, as I said before, a more Christian system of government, with reference to the administration of affairs in Ireland; a system in which justice, and not conciliation, will become the measure of our policy—a system which will, I doubt not, bring about the time, which I trust that I, and many of those who now hear me, may live to see; when, united to us, not by hollow Acts of Parliament, but by that firmest, and closest, and most enduring of all bonds, the allegiance of the heart, Ireland will become the attached sister of England, and when a truth-telling and truth-loving Englishman will be able to speak without a blush of shame, or a pang of remorse, of the United Kingdom of Great Britain and Ireland.

Mr. *Mangles* was prepared to give his support to this measure. He fully agreed with the noble Lord the Member for Dorsetshire, that what was morally wrong could not be politically right; and, if it could be made out that this measure was morally wrong, he would not assent to it. But the principles of justice were at stake in this question, and he maintained that these principles ought not to be waved on account of circumstances arising out of the great religious revolution of the fifteenth century. The principles of justice had been grievously violated by our conduct towards Ireland. The taking away the Church property of the Roman Catholic majority, and giving it to the Protestant minority, was nothing less than an act of spoliation. As a Protestant he believed that the Church of Ireland had truth on its side; but he held

that no amount of error in others could justify a departure from the principles of justice. Nor did he believe the religious truths of Protestantism to be so weak as to require support from golden crutches; on the contrary, he believed that the Irish Church was considerably weakened by having these large emoluments, which had been so unjustly come by. Every means in the power of this country had been tried to keep down the Roman Catholics, but they had all failed; and at the present time, 20,000 bayonets were required to keep the Church of Ireland in its position. In fact, the Church of Ireland was the main grievance of the Irish people. He did not see the reason of the objection to the term restitution. Protestants now held possessions formerly the property of Catholics, and one Church had become rich by the poverty of the other. Restitution was, therefore, only giving back a part of that of which the Catholics had been deprived; and when the activity of the Dissenters upon this subject was mentioned, it ought to be borne in mind that they had been art and part in the spoliation of the Catholics. The present race of Dissenters was answerable for the acts of their forefathers; and they ought not to object to the concession of this mite to Maynooth, recollecting of how much they had deprived the Catholics in former times. A sense of religious obligation, therefore, ought to induce hon. Members to vote for this Bill. To the unhappy Irish people this country had neither done justice nor shown mercy. Measures of redress had been given slowly and grudgingly, bit by bit, and without any general attempt at amelioration. That sooner or later complete justice must be done to Ireland was a truth as evident as if it were written with a sunbeam; all other policy was idle, and though it might drag on a little longer it must terminate in dismemberment. Injustice and tranquillity could never co-exist, and taken at the best, this measure was only a petty instalment of an enormous national debt. As long as the Legislature cleaved to the Established Church of Ireland, and was determined to maintain it in opposition to the wishes of a vast majority of the inhabitants, peace, order, and prosperity could never be expected. Some persons affected to be astonished that Ireland was not grateful for concessions from this country. Why, our whole course of policy towards Ireland had been only a series of mitigations of injustice. Even if it could be maintained that by the Emancipation Act we had imposed a debt of gratitude on those who were then relieved from disabilities, that rule could not apply to the new generation now growing up, who were never subject to these disabilities. Why not suffer the people of Ireland to have their own religion, as well as those of Scotland? Surely they might profit by the example and experience afforded by that country. He regretted exceedingly that in the course of the debates on this subject, the Roman Catholic religion had been compared with Hindooism and its obscene and bloody rites. He had always thought that Protestants admitted the possibility of salvation within the pale of the Roman Catholic Church. Had this country 300 years ago taken away the property which the Indian people devoted to their religious establishments, and at this period they still remained unconverted, he should be disposed to restore to them their religious endowments as an act of justice; and thus, in the case of the Roman Catholics of Ireland, he would give them back their ecclesiastical property, while at the same time he would have the Protestant Establishment supported where it was requisite. He should most gladly vote for the appropriating from the public funds of this country the proposed sum for the endowmen of Maynooth, as an instalment of justice to the Irish people.

Mr. *Bickham Escott* said, he wished briefly to explain the reasons why he intended to give his vote in support of the original Motion, notwithstanding the speech of the Member for Dorsetshire. The whole of the debates on this subject were remarkable for one characteristic. He had heard other debates, wherein the preponderance of the arguments was all on one side; never one debate in which the arguments of the opponents of a measure told so entirely in favour of it. ["Oh!"] He did not expect that observation would prove palatable to those who had argued against this Bill. He wished its opponents to bear in mind that on this great question of conscience those who had professed to be the main supporters of the established religion of the country, had rested their opposition upon the question whether a sum of money to be given to an establishment, from which they differed, should be 9,000*l.* or 27,000*l.* ["No, no."] His hon. Friend the Member for the University of Oxford said "No;" and he could say "No" truly, because he had opposed the grant of 9,000*l.* But he should like to

hear those who supported that smaller grant, or who did not very strenuously oppose it, draw the distinction of principle in the case. The whole argument of the hon. Member for Dorsetshire rested upon the assumption that the people of England were opposed to this measure. He was of a different opinion; and he believed that no more unpopular act could be done by any Member of that House than to cause the rejection of the measure by his vote, if that were a possible contingency. He did not believe that any class of the people were opposed to this measure. He did not believe the clergy as a body were opposed to it. If they were, where were their petitions against it? Where was the petition from Cambridge which it had been attempted to get up, and which had so signally failed? Where were the like petitions from deaneries and archdeaneries? It was said, that there would be such an agitation in the country if this Bill passed, that it would end in the ejection of the Government, and the introduction of some unmentionable one. Now, he had spent ten days in the country, and had heard the opinions of many rural politicians, but found no opposition to the measure; and one of the best clergymen he ever knew had expressed himself in favour of it. He did not look upon this measure as a concession, but as an act of pure justice to the people of Ireland; and that was the grand principle upon which he should support it. It had been remarked, that there were very few petitions from Ireland against this measure. They were few indeed; for it was not very likely that the Irish people should petition against their own interest. They knew the advantages of a better system of education better than to reject it. But he was willing to admit that there was a conscientious opposition to this measure on the part of many out of that House, as well as on the part of some few within it. But, between the opposition out of doors and that within, there was a remarkable difference. Those out of the House opposed the Bill on sincerely conscientious and religious grounds; they were bold enough to avow that. But the opponents within the House did not venture to avow that they opposed it on religious grounds. Why? Because they knew full well that the same argument would go to the extent of saying that not only should a College for the priesthood of Ireland not be endowed, but that the existence of the priesthood should not be tolerated, nor even the existence of the Roman Catholic people of Ireland! That system had been tried. It was tried by the Cromwellian Government. Several attempts had been made to put down the Catholic faith in Ireland, and to exterminate the Catholic people; but the people were found faithful to their creed. The power and tyranny of this country were then exerted to reform the Church of Ireland; but that Church had not converted the people; and the question was now, how those who had not been converted were to be governed on principles of justice and equity? Was it by diminishing or taking away the grant which had been given them since the year 1795? Even his hon. Friend the Member for the University of Oxford would not go so far as to take away the 9,000*l.* [Sir *R. Inglis:* I would.] He had not heard that the hon. Baronet intended to abolish that grant, that it was to be one of his measures when he formed his Government. But was it just, under the altered circumstances of Ireland, with its increased population, to continue the grant on a scale disproportionate to their wants? But he could not argue the question as one of pounds, shillings, and pence. He must regard the measure as the foundation stone of that great system of benevolence, and peace, and good will, which the right hon. Baronet was so anxious to establish in Ireland. He disregarded the taunts of those who cried, "Look at the manner in which this boon is received in Ireland;" and who pointed to the language of the hon. and learned Member for Cork and others, who still declared themselves dissatisfied, and that they would remain so until they obtained the Repeal of the Union, or some other wild scheme. That was no argument against the Bill. The House should rather consider whether the good and the peaceable portion of the Roman Catholic community in that country were not already conciliated. He would rather take the opinion of the noble Lord the Member for Arundel fifty times over, than that of the hon. and learned Member for Cork. He wished not to see a measure which should satisfy the disaffected and turbulent, but one which should be acceptable to the good and well-disposed. He urged the opponents of the measure to remember that great precept, "Do to others as you would they should do to you." That rule would suggest the best mode of weighing the arguments used on both sides of the question. What should we say if it were

proposed by a Government to grant us, we being the minority of the people of England, a grant of inconsiderable amount, taking into account the separate burden cast upon the larger portion of the community, but considerable in amount and in good feeling towards us, proposed too by a Government of a different faith from our own; what should we say if the members of a Reformed or a Catholic Church stood between us and the Government, and objected to such a grant? We should tell our opponents that we drew a most unfavourable conclusion as to the discordance between their acts and their principles, and that we had learned that there was one crime for which there was no covering, persecution for conscience sake. Well, was it not persecution for conscience sake to deny a whole nation a measure of justice, because we differed in opinion from them? What should we think of such treatment if we were Catholics? We were in possession of the means for doing this act of justice; and we should remember that the possession of wealth brought upon us its duties as well as its advantages. That Church Establishment would rest on the best foundation when it was placed on the affections of the people, and when those affections were secured by the benefits it bestowed on the people. It might well be asked whether the munificence and piety of past ages had no claim upon those who had now succeeded to those vast endowments? Might not the Catholics say, "We point to your cathedrals and churches, your colleges and schools, and say, we built and endowed them. Your bibles we copied and preserved. Our wise men and lawyers enacted the constitutions and statutes on which your liberties rest; and, last of all, we invoke from the poor the attestation that we were ever their friends." He thought he should not do his duty as a member of the Church of England, and as a citizen of the United Kingdom, if he did not act in reference to this measure upon that divine precept he had quoted, and which he left any hon. Member who might think proper to notice his remarks to answer. He thought the Minister of the Crown had not acted contrary to that precept, but in a manner calculated to promote and secure the best interests and good government of the Empire. He rejoiced in this first step in the grand work of justice towards a most persecuted part of the United Kingdom; and he felt the day would come when those who opposed this measure would regret their opposition—when they would find that it was part of a system by which the clouds of prejudice, bigotry, and oppression, would be made to give place to the light of a brighter day of charity and peace.

Mr. *Spooner* said, that the hon. Member who had last spoken, could not have attended to the arguments of hon. Members opposed to him in argument, if he considered that they argued the question as one of pounds, shillings, and pence—the difference between 9,000*l.* and 27,000*l.* His hon. Friend would, perhaps, allow him to say that on a former occasion he had denounced that view of the question; that he did not view it as a question of money—that he looked at it solely and entirely as a religious question—and that he felt bound, from conscientious views, decidedly to oppose it. He likewise said, that he could not deal with this question as one of policy: for though he might doubt the policy, yet, to try the experiment, he would sacrifice everything but his conscientious opinions, in order to effect that object which he earnestly desired—the entire pacification of the sister kingdom. If he opposed the Government in this grant, he was not one whit behind in his anxiety to support them in every measure for the conciliation of the country, if they could conscientiously do so consistently with his support of the Protestant Church. His hon. Friend the Member for Honiton, Mr. M'Geachy—he did not know if he were in his place—had said that he would not deal with the question as a religious question. Now, there was no man in the House for whom he had a more sincere respect than for his hon. Friend; he had the privilege of enjoying the intimate acquaintance of that hon. Member, and he knew that he brought to the consideration of every subject an honest mind, a clear judgment, great intelligence, great assiduity, and far beyond the ordinary amount of talent; and he must own that it was always with regret he came to a conclusion opposite to that of his hon. Friend. But he must think that his hon. Friend had not looked into the question with all the serious calmness which its importance required. His hon. Friend had told them that as a member of the Church of England he did not see that any Article of the Church called upon him to denounce the Roman Catholic system as unchristian. Did his hon. Friend ever read the Thirty-first Article of the Church—that Church of which he

was an honest and a conscientious member? He wished his hon. Friend had been in his place while he read a few words from the Article. The words were to the effect that the sacrifice of masses, which the priests are said to offer for the living and the dead, were blasphemous fables and dangerous deceits. That was the language of the Article. He knew he should lay himself open to the ridicule of hon. Gentlemen opposite; but he wished to call upon the hon. Member for High Wycombe (Mr. Bernal Osborne), whom he saw in his place, and the hon. Member for Kerry (Mr. Morgan O'Connell), he did not know if he was present; he wished these hon. Members to recollect that calling names was not the way to convince; that ridicule was not argument; and that when weapons such as these were resorted to by men whose powers of argument were undoubted, the only legitimate conclusion was, that argument had failed them, and, therefore, they had recourse to ridicule. He knew he should also subject himself to the animadversions of the right hon. Baronet the Home Secretary; but he must remind that right hon. Baronet that the plea of numbers did not neutralize the charge of delusion. But, notwithstanding ridicule, and notwithstanding animadversions, he must repeat what he had said before, that he objected to the payment of the Roman Catholics, because he believed their doctrines embodied most awful delusions; and he would say, in answer to the remarks of his right hon. Friend, that there was a time—he was sure, from his knowledge of Scripture, his right hon. Friend would at once remember the period to which he alluded—that there was a time when the whole world, with the exception of a single family, were under the power of delusion. Would he say that the delusion was the less, because it was entertained by so many? He could assure his Roman Catholic fellow subjects, that towards them individually he entertained feelings of the most perfect friendship. [*Laughter.*] Hon. Gentlemen might laugh: but he defied any Member of that House to refer to one action in the whole course of his past life, and from it to call his sincerity in question; and he would put it to themselves, whether what he said was not true, that if their religion was right, Protestants must be what they called them—absolutely heretics. He believed that they were conscientious disciples of their religion. He gave them credit for acting on the dictates of their consciences. He impugned no man's motives; he felt he had no right to set himself up as the dictator of other men's faith. But that was not the point. The point was, should he contribute to the propagation of a religion which he believed to be based on error? If he were to do so, hon. Gentlemen would be the first to despise him; for their principles led them to denounce as heretics all those who did not believe the doctrines and principles which they professed. He thought the question had been argued hitherto on far too low grounds. The question before them was, whether the Protestant or the Roman Catholic religion was scriptural? Upon that hinged the question altogether. If the Roman Catholic religion was scriptural, Protestantism was indefensible—they were all in a complete delusion. If the reverse was the case, the delusion was on the other side. This, however, was not the place to enter into a polemical discussion. If it were, he would not flinch from maintaining what he had said. He knew that to avow an opinion without being able to state the grounds of that opinion, subjected a man to the charge of bigotry and intolerance; but he had said before this was not place for such a discussion. It could not be discussed in a popular assembly; they could not approach it in that calm seriousness, or in that absence from party feeling—that pure unsullied Christian temper, which every Christian would desire to bring to a subject that concerned the salvation of immortal souls. He knew that many of the remarks which he should be under the necessity of making would not be received very cordially by hon. Members opposite. But he could assure them that he was actuated by nothing but a conscientious desire to do his duty, and giving them the privilege which he asked for himself, that they should have a right to maintain that view which they conscientiously took, he should not flinch from stating openly and honestly his opinions, nor refrain from expressing the convictions which he entertained. He must say there was one part of this question which had hitherto been completely overlooked. He had troubled the House on former occasion with some remarks on the principle of this measure. The Bill was now before them as it came from the Committee, and it had left it filled with most objectionable details. The Committee had failed in its duty by reporting on this measure without inquiring, or without asking the House for power to inquire

into the nature of the teaching now in force at Maynooth; for he believed the majority of the House were totally ignorant of the doctrines that were taught there; and many, he believed, if they would take the trouble to listen to his statements, would be astonished at the doctrines which they were about to give money to propagate. But, before entering upon this subject, he must refer to the difference between giving an annual and a permanent grant. He had always voted against the smaller grant—still he conceived that hon. Members who had voted for the smaller grant were perfectly justified in voting against the larger and the permanent grant. An annual grant is very different from that which is to be of permanent amount, which creates a right of property—a right which might be sold or otherwise disposed of; which, if Parliament were afterwards to entertain its withdrawal, they would hear immediately of the force of vested rights; which, if it were destroyed, the security for every other vested right would be gone. He would now refer to the books that were taught at Maynooth; he would only trouble the House with two or three extracts, and he would take them from the Report laid on the Table of the House—no doubtful authority—no paraphrase of a book, like that which the hon. Member for Waterford read the other evening, and which he made the whole House to believe was a genuine extract from the writings of Luther; but which he (Mr. Spooner) had since discovered was a mere paraphrase of what was considered by the writer, a Roman Catholic priest, to be the tendency of Luther's writings. There was not a paragraph, there was not a line of the quotation would he could find in the writings of Luther—though, from the way in which the hon. Member had read the extract—he was sorry he did not see him in his place—every Member must have thought that he was quoting from the writings of Luther. He would not deal so in his quotations; he would take the books which were reported by the Committee to the House as the text books used in the College at Maynooth; and the first book he would begin with, as quoted in the 449-50th pages of the Appendix of the Irish Committee's Report was Bailly, who, in his second volume, page 121 (Dublin edition, 1829), stated that "a Superior of the Regulars (the Religious Orders of the Church of Rome) could validly, even without cause, make void the oaths of those subject to him;" and also stated, at page 138, "that the Supreme Pontiff, inasmuch as he was Supreme Prelate of the Religious (Orders) to whom they promised obedience no less than to their own superiors, could also make void all their vows." And he then quoted from page 121, to show that "vows and oaths stood on an equal footing." In page 140 of Bailly, the proposition is laid down that "there exists in the Church a power of dispensing with vows and oaths, which he attempts to prove from Matthew, chap xviii. "Whatsoever ye loose on earth," &c. Dr. M'Hale, the present Roman Archbishop of Tuam, is examined on this, and at page 283, he is asked if he has to come to the conclusion that that text authorises this dispensing power, and he answers—"I believe the conclusion in (Bailly) the text book." This same author, Bailly, states, vol. ii. page 145, that among other "just causes" of dispensation, was "the utility of the Church." He was confirmed by Thomas Aquinas. [At this moment the hon. Member for Waterford entered the House, when Mr. Spooner reverted to his quoting, as the opinions of Luther, the paraphrase of a Roman Catholic writer, who merely gave what he conceived to be the tendency of Luther's doctrines, and added that that was not a fair way to make quotations.] The hon. Member should have told the House that these were not the words of Luther, but the opinions a Roman Catholic writer entertained of Luther. He must confess he had doubts at the time the hon. Member read them; but, from the general caution and fairness of the hon. Gentleman, he could not bring himself to believe that he would have made the quotation in such a way if it had not been accurate. He then went on with his quotations from the text books at Maynooth, Thomas Aquinas and others. He took Thomas Aquinas, because that author had been specially recommended by the Propaganda at Rome as an authority to be consulted in regard to all doubtful questions in the Roman Catholic Church. The document to prove this was found at page — of the Appendix of the Forty-fifth Report of 1827, and was most important for this purpose. The Roman Catholic bishops, in their reply (p. 46), promised to take him as their master in such points. In this he was confirmed by Bailly and by M'Hale, that the utility of the Church was a just cause for the dispensation of oaths, and that the superiors of the Church were the only

judges of what was for the utility of the Church—(Report, page 284). Then there was Cabassatius. ["No."] Why, that was one of the class books. If that was denied, let them have inquiry. It was so stated in the Report to which the First Minister of the Crown had referred them, telling them that though he did not think that Report had exhausted the subject, yet he did not anticipate that any good end would be answered by further examination. If that Report was not to guide them, then let them have inquiry. They challenged inquiry, they wished for it, they asked for it; and they had been answered that inquiry was unnecessary; that they must look into this Report, and there they would find all the inquiry they wanted. Well, he had looked into the Report, and these were the extracts he had made from it. That author stated, page 24 (XIII.), that the bishop of the Church of Rome had the power to dispense with, relax, or commute oaths for a just cause. But then who was to be the judge of what was a just cause? Why, the answer was given already, the Roman Catholic prelate or superior. He would then refer to a lower ground, a ground which he unwillingly brought into the debate, but which he could not wholly overlook. He would ask the hon. Member for Montrose whether he was prepared to grant a large sum of money for the support of the College, into the conduct of which they were refused inquiry? He would ask him, would he give this money without further inquiry? He would ask more, would he lay this precedent, that a certain number of persons, however respectable they might be, should have the control over a public fund, without giving any account to Parliament as to its use? Parliament—to use the language of the Prime Minister in 1840 (since which, times had changed and men also), thus neglecting its paramount duty of providing that all money granted by the Vote should be applied under its control. There was also another subject to which the Report referred, and which should have a powerful influence on the question. It appeared, on the authority of St. Thomas Aquinas, in his *Secunda Secundæ*, vol. i., page 132, (Lyons)—

"That as soon as any Sovereign is sentenced to excommunication on account of apostacy from the faith, her subjects (or his) are *ipso facto* absolved from his (or her) dominion, and from the oath of fidelity by which they were before held."

Now, was that the doctrine which this House was to pay for being taught? And this was one of the class books of Maynooth returned as such in the Report, and yet we needed no inquiry! It was further stated in the fullest manner by Dr. Selvin, page 219, that—

"We hold that baptism is the gate of the true Church (he had before said that Protestant baptism was valid baptism), and considering the Roman Catholic Church to be that Church, we consider all baptized persons to become members of the Roman Catholic Church."

Dr. Selvin, in page 220 of the Report, in defence of that passage, urged alone that no practical inconvenience could result from it in a country which was not Catholic, and where the civil and religious power were not bound up together in the State. If that did not mean that the consequences would be in accordance with the dogma of the schoolmen—if the religion of the Roman Catholics were made a part of the Civil State—it meant nothing, and he therefore warned the House, and called on the Protestant Members to pause before they took a step which they could not recede from in the matter. It was idle to think that the measure could be dealt with as a final measure. The Roman Catholic could not be faithful to his religion, holding it, as he did, to be the primitive Church of Christ, if he stopped short in his efforts until it had attained the supremacy. The concession now about to be made to the Roman Catholics would serve as another stepping-stone to the attainment of that object, and would offer them an additional 'vantage ground to effect a purpose which Protestants should never concede. If there were any doubts on the subject, the present was the time for inquiry. He had quoted the doctors of that Church to prove his case, and it should be borne in mind that the Roman Church, in accordance with its claim to infallibility, could never change. That the doctrines promulgated by them were contrary to the Constitution of this country, and to the peace, happiness, and individual comfort of the people, he had no need to point out to the House. He called on those, therefore, who prized the one and valued the other, not to yield in this instance, without at least inquiring into the whole subject. He called on them to remember what concession on these points had led to. The Roman Catholics, previous to the Relief Bill, had on oath, before the other House, declared that all they

desired was civil rights and civil equality; and that they would not, even had they the power, touch the property of the Protestant Church in Ireland. Now, however, they demanded the partition of that property; and the concession that was proposed by the Government was accepted by them only as an instalment. There was another view of the question to which he called the attention of the House. The declaration of the Sovereign of these realms at the Coronation was, that "the sacrifice of the mass, as celebrated in the Church of Rome, was idolatrous and superstitious." Could any Government—could his (Mr. Spooner's) right hon. Friend at the head of the Treasury—propose to Her Majesty to consent to such a measure as that before the House, while that declaration continued in full force? Before Her Majesty's consent was asked, the head of the Government, or the Lord High Chancellor of England, should, in discharge of a paramount duty, ask for a Resolution of Parliament abrogating that declaration, and pronouncing it not binding, not alone upon Her Majesty, but upon any future Sovereign of the realm. And he did most solemnly hold the right hon. Baronet and Her Majesty's advisers to be responsible for all the consequences of this measure. The feeling which existed in the country on the subject of the grant was said not to be spontaneous, but the work of agitation; and the right hon. Baronet at the head of the Government had termed it a popular effervescence; but it was wholly incredible that a few men in London could stir up the whole nation, or produce such a heap of petitions as crowded the Table of that House against it. The heart of the people of England was roused within them; the question was a religious question, involving all that they hold most dear; that was the cause of the agitation that prevailed on the subject. The warning of last Session given by his right hon. Friend did not affright them, because they still looked upon him as the Protestant leader of the Protestant party; and because they knew that he had been placed in power by them only four years before to preserve and conserve the Constitution of the country, which by this Act he was about to impair and destroy. Therefore there was no excitement then upon the subject. But if the right hon. Baronet doubted the existence of feelings of the deepest nature now, he (Mr. Spooner) challenged him to bring the question to an issue, by appealing to the country. Such an appeal was most due to the people of this United Kingdom; it was due to the Sovereign who was placed by this measure in a most dangerous and embarrassed position, and it ought to be yielded. He (Mr. Spooner) called on his right hon. Friend to trust to the Protestant principle, and throw himself on the Protestant feeling of the country for support; and he warned him that if he did not, the Protestant people of England would not submit to the mighty change which he proposed to make in the Constitution. However much the feeling that prevailed might be undervalued by his right hon. Friend, one thing was certain, it was a feeling deeply rooted in the minds of the people of this country, and he might be sure that sooner or later it would break out in acts. He (Mr. Spooner) therefore called on the House to pause while they could do so, before they acceded to a proposition which so deeply affected the peace, the happiness, and the power of the country, as that contained in the measure before them.

Mr. *C. Buller* said, he had told his hon. Friend the Member for Waterford that he was doing an exceedingly foolish thing in referring to the question of doctrine; that it was a subject on which it was by no means desirable to enter, as he might be sure they would have a volume of theology read on the other side as a reply to him; and they had that night witnessed the truth of his conjecture. They found that the hon. Member for Birmingham had been neglecting all the other questions in which he generally took so deep an interest, and had been devoting himself to the perusal of the voluminous works of Roman Catholic divines. He believed it was 140 folio volumes which St. Thomas Aquinas had left for the instruction of posterity, all of which hon. Members would be expected to go through; and then the hon. Gentleman had quotations from Taliocotious, and a variety of other men, all referring to the two or three doctrines which the hon. Member had brought forward in that House to condemn. The hon. Member had told them that, because these objectionable passages were to be found in the deep collections of some writers of the Roman Catholic Church whose works were read in Maynooth, and which remained as great monuments of barbarous times from former ages, that therefore the present grant was to be refused. Were they to be told that nothing

could, after this, be found in the works of Protestant divines as an answer to these quotations, and that the question should be left as it now stood? He could assure the hon. Member for Birmingham that he was not at all disposed to join in the laughter which the hon. Gentleman appeared to apprehend so much from that side of the House. He could assure the hon. Gentleman that he felt inclined to anything rather than mirth at the speech which he had just heard; and that instead of being amused, he felt pained that the question should have been debated in such a spirit by the hon. Member. He was pained that the hon. Member should, after calm reflection, have come down to that House and repeated the attack against his Roman Catholic fellow subjects, that they were labouring under an "awful delusion," and that he should have backed that insult by picking out some most offensive passages from old writers of the dark ages. He should say that he could scarcely imagine any more awful delusion than that of a Gentleman in that House thinking that by such a course of proceeding he was facilitating the good government of this Empire, or that he was at all entitling himself to the virtue, for which he took credit, of entertaining the most kindly feelings to all his Catholic countrymen, while he came forward on that public occasion to insult them in such a manner as they had heard that evening. He hoped there was no occasion for the last advice which the hon. Member had given to the right hon. Baronet at the head of Her Majesty's Government, and which had also been given by the hon. Member for Dorsetshire, namely, to dissolve Parliament on this question. He did not see any necessity for the adoption of such a course. The hon. Member for Dorsetshire had referred to the right hon. Baronet the Secretary of State for the Home Department having advised the dissolution of Parliament on the Reform Bill; but the reason was, that the Parliament had thrown out the Bill which had been introduced by Ministers. But the House had not thrown out the Maynooth Endowment Bill, and there was not the slightest chance of its doing so. He thought there was, therefore, not the least danger of a dissolution to be apprehended. He certainly had no reason to be particularly apprehensive on this matter; for he could say, what he believed there were very few hon. Members on his side of the House able to state, that since the very commencement of the present discussion he had received no remonstrances from a single one of his constituents for the part which he had taken in supporting the Government measure. He could not flatter himself that he carried along with him the feelings of all his supporters. He might have the misfortune of losing the support of some of them; but those who did differ from him on this question had the justice to perceive that the support which he gave to the Bill was in perfect accordance with the principles which he had always professed; and they, at the same time, deserved the great credit of understanding the real principles of representative government, by not seeking to interfere with him in the course which he was taking. Now, he would feel that it was an abandonment of every great object which he had in view in politics, if he had done otherwise than give his most strenuous and anxious support to the Bill before the House. He regarded a provision for the education of the clergy of the Irish people to be in itself a great good; but looking at the circumstances under which this measure had been proposed by the Minister of the Crown, he could not help viewing it as a great step in the proper direction in the policy of this country towards Ireland, and as a change in that policy which was not merely the change of one particular party or set of men, but which involved principles that should be followed up by whatever Government would hereafter seek to rule Ireland. Taken in that light, the measure served to mark a very great step in the progress of that struggle which the Irish people were now making to get justice and equality for their religion. They had first the struggle for the repeal of that detestable code which made the profession of their religion penal. After that came, step by step, the efforts that secured to the professors of their religion all the civil rights which they now enjoyed; and it was worthy of notice, that every one of these concessions was yielded to the Roman Catholics, not by those who originally supported their rights, but by the party that had been hostile to them up to the last moment—thus showing that the prejudices of this country against them were so strong, that these rights never would be conceded until the triumph of justice had fairly broken down these prejudices in the minds of those by whom they were most cherished. And now they had taken a

third great step in the progress towards doing justice to the Roman Catholics. After obtaining the free exercise of their religion—after obtaining the enjoyment of some civil offices, which had been long held exclusively by the remaining portion of the community—the last thing that remained for them to struggle for was to have their religion treated with the respect due to a national institution. Little by little the Legislature had been admitting these principles; but never except when there existed an absolute necessity for doing so. The recognition of the religion of 8,000,000 of the inhabitants of the United Kingdom was a great fact not to be evaded by political faction. They had been obliged to appoint Catholic chaplains for Irish regiments, Catholic chaplains for Irish gaols and workhouses, and Catholic clergy to attend to the wants of Irish colonists; and now the time had come when these admissions, instead of being acknowledged as an anomaly, were to be recognised as a principle. The Bequests Act of last Session, by which the voluntary endowment of the Catholic Church was provided for, and the Commission under that Act which gave to the bishops of that Church their rank as prelates of a national Church, followed; and lastly came the present Bill, which provided for the efficient education of the clergy of the Irish people, and recognised the great principle of treating their Church as a national institution. There was one point with respect to which he would make some concession to the opponents of the Bill. They stated that the excitement out of doors was an answer to the policy on which he thought that Ireland should be governed. The excitement certainly, he admitted, was not disproportionate to what they required; but that was not the way in which the subject should be viewed. If this had been an isolated measure, he should not regard it as of much importance; but it was not so. For when they looked at the excellent measure for academical education in Ireland, and when they connected with it the promise of assimilating the municipal franchise of Ireland with that of England, whatever might be their objection to some of the details, still he must think that they would carry with them extensive benefits; and, above all, as they showed a spirit of conciliation towards Ireland. Therefore, he said, that it was the duty of any friend to Ireland, and to every one anxious to do justice to that country, and to maintain the connexion between the two countries, to give their support to the present policy of the Government. For his own part, he would not give a cold or hesitating support to this or the other measures; for he felt, when the quarter from whence they came was considered, success appeared of double importance in his eyes, and he would give them as strong and unhesitating support as if they had been introduced by a liberal Administration, and as if the fate of a liberal Ministry depended on their success. He believed that the future policy of Government towards Ireland depended on the success of these measures; for their failure would be attended with awful consequences, and would give just cause of complaint to the people of that country. It would do much to advance the Repeal question, as it would give a strong show of reason for the adoption of that opinion; and, as he believed, that was the only thing which was wanted to give success to it. The claims of the Irish people to have their religion upheld were as strong and as powerful as the claims for the support of the religion of the people of England. The grant to Ireland was founded on the clearest dictates of justice; and 26,000*l.* a year was surely the smallest grant they could make, when they had deprived the people of that country of the large revenues which their ancestors had given for the endowment of the Catholic Church. It appeared that the arguments against this measure on both sides resolved themselves into two, namely, that they should not contribute to anything connected with the Catholic Church, because they regarded her doctrines as erroneous; and the second objection was, that they should not contribute to the Catholics in this or any other shape, because it was contrary to the voluntary principle, according to which they should not give anything to any Church. He did not think that there was much in either of those arguments; but certainly the least reasonable of them appeared to be that which rested on the voluntary principle; for whatever might be the merits of the voluntary principle, it certainly could not be one of them that it should be applied capriciously. It might be very well to refuse to give to every Church Establishment; but it would not do to say that one alone should not be established. They now not only endowed the Protestant Episcopal Church in Ireland, but the Presbyterian Church in Ulster, and even the

Unitarian Presbyterians; and when they were asked to carry out the principle to the religion of the great majority, they turned round and buttoned up their pockets, and said that they would not contribute, because it was contrary to the voluntary principle. Surely it was not just to call upon the Catholics of Ireland to pay all these Protestant Establishments, and give nothing to their own Church. He did not think that there was much force in the arguments used by the hon. Gentleman against this measure; for he feared after all that the "No-Popery" cry was lurking at the bottom of all, and that an unjust hatred of the Catholic religion predominated in all the specious arguments which had been used. The measure was opposed because Gentlemen held the doctrines of the Catholic Church to be objectionable; but he conceived that persons entertaining strong opinions against such doctrines might most reasonably vote for this measure. For his own part, he admitted that many of the doctrines of that church, and more particularly when mixed up with the rubbish of the old schoolmen, were erroneous; but he did not believe that he was liable for all the errors in faith in a religion which was that of a large portion of the people. It appeared to him that the principle of civil Government applied as well to the religion as to the maintenance of the law and to the security of property, to the great portion of the community. You said that the religion of the great portion of the people of Ireland was unsound and erroneous? Now, could they not point out other parts of the country in which erroneous religious opinions exist, and, therefore, on this principle should not receive the sanction of the State? He believed that they should support laws, in cases even when founded on erroneous opinions; for it would often happen that much greater evils would follow from at once abrogating them. Nothing could be more atrocious than some of the principles on which the law of property was upheld; but they still adhered to them, because they believed that the utmost evil consequences would follow from wantonly interfering with the law of property. In the same way hon. Gentlemen thought it just that a certain Establishment should be kept up because it was their faith; and on the same ground that they called for the support of their faith, should they extend the principle to Ireland. It had always appeared to him that the repugnance of this country to the religion of the Irish people should have ceased at the time of the Union. He did not mean to say that the religious opinions of the people were not to be considered in forming the Union; but when it was determined that the people of both countries should live under the same Government, they could not go back and deprive the people of Ireland of the rights of justice. If this feeling did not weigh as an objection to the Union at the time it was adopted, they should now hold their peace. As for the determination of treating one portion of the people in the way which was urged by the opponents of this measure, it appeared to him to be so serious, that he would say they must abandon that feeling towards Ireland, or they would produce a separation between countries, the one of which so attempted to deal with the other. Viewing then this measure, and the principles on which it was founded, as of such great importance, and as involving principles without which they could not maintain the connexion with Ireland, he was not less inclined to support it in consequence of any misconduct on the part of the Ministers who introduced it. Looking at the bold course which they had taken, he thought that it was impossible to doubt that they had made up their minds to other measures which would follow this, framed in the same spirit. When they relied on the No-Popery feeling which was raised in the country to thwart the liberal measures for Ireland which were proposed by the Melbourne Government, he reproved them for adopting a course which he considered opposed to good sense and justice; but he would not renew these reproaches, when they had adopted a course of policy founded in justice and wisdom, for no doubt they were now acting honestly, for they were staking their future prospects of power on measures which nothing but an honest sense of duty would have induced them to bring forward; and they had in consequence exchanged the support of the united party which placed them in power, for that of those who had hitherto acted on the principles which they had now adopted. But he denied the assertion of Gentlemen opposite, who were seated below the gangway, that the right hon. Baronet had deceived them. He said this, because he believed that they never had confidence in the right hon. Baronet, for they used to confess that he was not one of themselves, and in all measures with respect to Ireland, that he did not take that high course which they wished, but placed his opposition on

some ground of temporary expediency. There was no secret in those opinions: the whole world was acquainted with them. The case was precisely the same as that which happened with regard to all parties who entertain such ultra opinions. They were obliged to place themselves under a moderate leader, whom they thought they could coerce when they got him into power, but they soon found out that they were mistaken. It was of great importance, in discussing such topics as that which was before them to-night, that they should abstain on both sides of the House from irritating expressions and mutual recriminations. It was not fit for them to reproach the right hon. Baronet with adopting their policy, nor was it fit for the other side of the House to say that the right hon. Baronet was able to carry measures which they on his side could not. The fact was, they were mutually dependent on each other. They could not carry out a just policy towards Ireland without cordial co-operation on both sides of the House; and, notwithstanding all that had been said about public opinion and the British lion, he had no misgivings about their being able by their united strength to carry this measure. It seemed to him to be an essential condition to the success of every great step in the improvement of their policy towards Ireland, that it should proceed from the Minister who adopted an opposite policy as long as it was possible; but if the right hon. Baronet was discouraged by the cry which was raised against this measure from going further, then an irreparable blow would be given to the best interests of Ireland. But let him pursue his policy of conciliation, and they on that side of the House would feel it their duty to give him all their aid, and in a spirit which should induce him to carry other measures, and similar in their tendency to the present. They would give the right hon. Baronet a cordial support; and they would console themselves in the hope that, whatever credit the right hon. Baronet might get from adopting their policy, public opinion would be more just to them than some of their Irish friends had been—that it would not be forgotten that they sacrificed considerations of party to the carrying out of principles of justice—and that they were now giving a cordial co-operation to the Government to enable them to carry those principles out. He trusted the right hon. Baronet would recommend himself to posterity by the adoption of sound policy, and not by a blind adherence to a former vicious one; and in this respect he might take a good lesson from the first speech made by the right hon. Baronet the Secretary of State for the Home Department on this question; for nothing tended to conciliate men's minds towards the measure—at least the friends of a liberal Government—towards Ireland more than the frank avowal made by the right hon. Baronet of past error, and his distinct declaration to repair it by future measures. In his opinion it was an error which they committed in talking of the history of Catholic Emancipation, that the Repeal cry was excited in consequence of that measure. He thought that what followed Catholic Emancipation, rather than the measure itself, produced that demand for Repeal; for what followed the measure took from it all its grace and efficacy, because the Government of this country, feeling that they could no longer fall back on the old Tory policy, and could no longer proscribe the people of Ireland for their religion, persecuted them as a party. They might see from the policy which Lord Melbourne adopted towards Ireland, who, though he was unable to carry any great measures for Ireland, had yet conciliated the people of that country, and had completely put down the Repeal cry, how easy it would be for them, if adopting a similar policy, to produce the same effects. It was not alone by legislative measures that they could produce such results, as it was not by legislative measures that Lord Melbourne's Government produced them. They depended much more on the spirit in which legislation was carried out. A great advantage had been gained when Lord Melbourne for the first time vested the administration of the law in the hands of those in whom the people confided. The people felt that Lord Melbourne's Government did for them what no other Government had heretofore done—confided in those in whom the people confided; and the people in return confided in his Government, even though he had not the power to do all he wished for them. The cry of Repeal was put down because the people felt they had something else to look to besides the chimerical project of Repeal. But the people had not that confidence in the present Government, and that was the reason why the measures of the Government were not so well received in Ireland as might be expected. This was made use of by Gentle-

men opposite as an argument against further conciliation; but was it not natural that the people of Ireland should distrust them, and how could it be expected that the wrongs of ages could be cured by a single measure, or in a day? The first reception which the measure met with was calculated to inspire the right hon. Baronet with confidence in the justice and wisdom of the course he adopted. The people of Ireland were waiting to know whether the policy which was begun so well would be followed up; and, if it was, the right hon. Baronet would calm the people of Ireland as the former Government had done. He confessed he did not look upon the Repeal cry as most persons in that House did. He was as well aware of its mischievous consequences, both to Ireland and England, as any one was; but he did not look upon it as so absurd a scheme as some seemed to view it. It was a question which had been for a long time before the people of Ireland—the people had grown up to hope in it—they looked upon it as the great remedy for Ireland. The feeling, from having existed so long, assumed a character of great difficulty and importance; and it was well worthy of the greatest Ministry that could be entrusted with the government of this country to take all the pains in their power to struggle against this feeling, and to endeavour to obviate its most alarming consequences. The right hon. Baronet was taunted with what he said about the Oregon question. In his opinion the right hon. Baronet was rather too hardly dealt with, because his acts placed him above suspicion with regard to the present measure. It was true he used some foolish phrases, and some silly metaphors; and that Nemesis, who presided over their debates, avenged the employment of those phrases and metaphors in the hon. Member for Peebles-shire (Mr. Mackenzie), who told his constituents that he saw a small black cloud no bigger than his hand; so that he thought the First Lord of the Treasury was amply punished for his metaphors by its last Lord. But it could not be doubted that as long as Ireland continued in her present state, so long would she be a source of weakness to England. There were many Oregons in Ireland, and in the policy pursued towards her; and as long as that policy was continued, other countries would avail themselves of it. He supported the measure because he thought, not without a full consideration of its consequences, that it was a wise and conciliatory one; and he trusted the right hon Baronet would go on as he had commenced, because, by so doing, he was sure he would put down the Repeal cry, and would restore to this country the entire affection of the Irish people; and he only hoped that henceforward, as was said by an hon. Member that night, the policy of this country towards Ireland would be one not of conciliation, but of justice—and that, instead of waiting for the pressure of agitation in Ireland, and scared by agitation here, the Government of this country would persevere in a policy which would abate all animosities between the two countries, and enable the Government to take those measures for repairing the material condition of Ireland, which would make that country the glory of the Empire, instead of being, as now, its opprobrium.

Sir *V. Blake* was grateful for the measure, and he thanked the Government with all his heart for it. He could not see how this measure, which would increase the prosperity of Ireland, could interfere with the Established Church in this country. He was therefore surprised at the outcry which had been raised against it. The hon. Member for Birmingham had read various theological extracts to the House to-night, but the opinions put forward in them were disclaimed by the priesthood and the people of Ireland. He thought that the Oath of Supremacy ought to be done away with. It was not his fault that it was not, for he made a Motion on the subject a Session or two ago, but he was opposed by the hon. Member for Birmingham and men of his kidney. He trusted that the course began by the Government would be followed out to a triumphant termination, and that the time would not be long before he beheld two Universities in the city of Dublin, one of them in the form it now stood, and the other on the other side of the question. As he said before, he thanked the Government for the boldness they had shown with regard to the present question.

Viscount *Ingestre* wished very shortly to state the reasons which actuated him in giving a vote in favour of this measure, and in opposition to the wishes of many of his constituents, from whom he conscientiously, but with the greatest respect, differed in opinion on this subject. It was true he had hitherto always voted against the annual grant to Maynooth; but he did so because, having had an opportunity of visiting that establishment, he had felt it

to be his duty to vote against the grant, because he considered it to be of an amount too small to be of any advantage in respect of the object for which it was intended. It had been often stated, during the progress of these discussions, that the conduct of Her Majesty's present Government was nothing else than that of their predecessors in office. That, however, he denied; and he might add, that if this measure had been proposed by hon. Gentlemen opposite, he should certainly have opposed it; and for this reason, that when those Gentlemen were on that (the Ministerial) side of the House, there was a constant system of truckling to the party over the water; whilst, on the contrary, the present Government had first asserted the majesty and supremacy of the law, and then endeavoured to give to Ireland measures of conciliation of a very different character from those of the Government which had preceded them. He had himself always been well inclined to what was vulgarly called "Justice to Ireland;" but, at the same time, he had no idea of justice to Ireland being crammed down one's throat—by illegal means. He considered this measure calculated to be beneficial to Ireland, and he should therefore give it his support, though he must confess that he should have preferred to see some modification of it in one or two particulars. He should have preferred to have its duration limited to five or seven years by way of trial, before they were called upon to give a final vote upon it; and also to have seen a provision introduced into it giving a greater degree of supervision over the literary acquirements of those who received instruction by means of the money voted in support of this Establishment. He had felt it to be due to those of his constituents from whose sentiments on this subject he regretted to differ, to explain the grounds on which he gave his support to the measure.

Mr. *A. Lawson* moved that the debate be adjourned.

Sir *R. Peel* expressed his regret that the Motion for adjournment had been made, and ventured to prophesy that there would not be, if the debate were to begin at five o'clock the next day, and continue till ten, so many Members in the House as there were at that moment ready to give their attention to the arguments of any Gentleman who was disposed to address the House upon this measure. He must say that, except in the case of this Bill, he thought he had perceived during the present Session a growing disposition on the part of the House to correct the system of unreasonably protracted debates; and he should regret to see an inclination to revert to that system. With respect to this measure itself he had a strong impression that the lapse of time which had taken place since it had been brought before the country had had the effect of gradually abating the popular feeling against it. He regretted, however, that the Motion for the adjournment had been made, and was, for his own part, quite ready to remain in the House for another hour or two; but, under all circumstances, he did not think there would be much advantage in protracting the debate that night.

Debate adjourned.

Lunatics (Ireland).] Sir *T. Fremantle* then rose to move for leave to bring in a Bill for establishing a central asylum for Criminal Lunatics, and to amend the Acts relating to Lunatic Asylums in Ireland. The right hon. Baronet stated that a Committee of the House of Commons had sat some years ago on this subject, which had drawn up a very elaborate Report, and made many important suggestions and recommendations upon it. Those recommendations had been embodied in the Bill he proposed to introduce, the principal one being that it was inexpedient to confine criminal lunatics in gaols and other places, as at present, and that it would be infinitely preferable to build a special asylum for that unfortunate class of persons. The hon. Baronet, after a few words on the minor provisions of the measure, moved for leave to introduce his Bill.

Leave given, the Bill brought in, and read a first time.

House adjourned at half-past twelve.

HOUSE OF LORDS,

Tuesday, May 20, 1845.

Minutes.] *Sat First.*—Lord Keane, after the Death of his Father: Lord Mont Eagle, after the Death of his Father.

Bills. *Public.—Received the Royal Assent.*—Exchequer Bills.

2a. Huddersfield Waterworks; Southampton Docks; Stoke-upon-Trent Market; Lord Monson (or Countess Brooke and of Warwick's) Estate; Scarborough Water.

Reported.—Devonport Gas; Plymouth and Stonehouse Gas; Edinburgh Life Assurance Company; Middlesex County Rates; Southwark and Vauxhall Water Company.

3a. and passed:—Clerkenwell Improvement; Birmingham and Staffordshire Gas Light Company.

Received the Royal Assent.—Liverpool Docks; Bradford Gas; Surrey and Sussex Roads; Glasgow and Shotts' Road; Calvert's Estate; Foulmire Inclosure.

Petitions Presented. By the Bishop of Chester, Duke

of Montrose, Earls of Haddington, Fitzwilliam, and Zetland, Marquess of Breadalbane, and Lords Kenyon, Roseberry, Hatherton, and Kinnaird, from Islandnagee, and a great number of other places, against Increase of Grant to Maynooth College.—From Free Church of Orkney (Scotland), and Inhabitants of Firth, against the running of Railway Trains on the Sabbath.—By the Marquess of Normanby, from Churchwardens of Wokingham, for Inquiry relative to the dilapidated Condition of their Church.—From Haddington, and Dunse, for Improving the Condition of Schoolmasters (Scotland).—By Lord Campbell, from Dunfermline, and Cupar, for Alteration of Game Laws.—From Wells and Wedmore, for the better Regulation of Beer Houses, especially on the Sabbath.—From Clergy and others of Runcorn, for Alteration of Sale of Beer Act.—From Clergy and others of Wells, for the better Observance of the Sabbath.—From Meltham and several other places, for the Suppression of Intemperance.—By the Marquess of Normanby, from John Thomas Perceval, of Kensington, for the adoption of Measures for the better Regulation of Lunatic Asylums.—By the Duke of Richmond, from Landowners and others of Hartington, and numerous other places, for Protection to Agriculture.—From Kidwelly and Greenwich, in favour of the Establishment of Local Courts.—From Mathew Phillips, Civil Engineer and Surveyor, for Inquiry into Distress, and for Relief of Working Classes.

THE CHURCH AT WOKINGHAM.] The Marquess of *Normanby* said, he had a petition to present which he was desirous to bring before their Lordships while some of the right rev. Prelates remained, as it was connected with the question of the present spiritual destitution of a parish which was not far from London. The circumstances of the case had already been mentioned in the public prints. The petition was from the churchwardens of Wokingham, a parish in Berkshire. The petitioners called the attention of the House to the necessity of some remedy being devised to meet the circumstances of their case. He (Lord Normanby) thought he could put their Lordships in possession of the facts of the case in a few words, and in a smaller compass than if he were to read the petition at length. This parish of Wokingham was the peculiar jurisdiction of the Dean of Salisbury. It was a parish, he understood, of upwards of 4,000 inhabitants, and contained upwards of 8,000 acres. The Dean of Salisbury was rector, patron, and also ordinary. The tithes were commuted for 1,698*l.* a year; they had been leased for many years on leases for lives, renewable by fines. The fine received by the Dean of Salisbury the last time there was a vacancy in the lives, was 2,200*l.* The annual rent of the tithes was 26*l.* 13*s.* 4*d.* Of the 2,200*l.* the Dean had appropriated 200*l.* for the benefit of the minister, by subscribing that sum to Queen Anne's bounty. What the parishioners complained of was, that from the circumstances of the rector and ordinary being the same individual, there had been no efficient visitation for some time. The petitioners went on to state, that in 1843, their attention was called by the rural Dean to the circumstance that the church was in want of repairs. They accordingly consulted a very eminent architect, Mr. Cotterell, and afterwards Mr. Good, the Surveyor to the Church Commissioners, who confirmed the report of the architect that the church was in a very dilapidated state. Mr. Jacob, the lessee, was then asked what he would do with respect to the repairs of the chancel. He said, he believed, it would be found that the chancel was not in so dilapidated a condition as had been represented. However, Mr. Jacob at length agreed to the terms proposed by the petitioners, on behalf of the vestry; but soon afterwards they received a communication from him to the effect that he did not believe that the chancel was in the same state of dilapidation as the rest of the church; and he warned them to touch it at their peril in making the repairs of the rest of the church. This led to much correspondence, with which he (Lord Normanby) would not trouble their Lordships; he would only say that he did not think that the parties had adopted that tone in their correspondence which was altogether suitable; and he thought that the latter gentleman did not recollect that those persons who moved in this matter were persons not having a personal interest in the affair, but desiring to do that for the parish which it was their duty to do. After this correspondence had been brought to a close, the churchwardens determined to summon another vestry meeting; but before doing so, they took the opinion of a learned civilian, Dr. Addams. The noble Lord then said, that Dr. Addams had been obliged to acknowledge that he could not suggest any legal remedy. The petitioners went on to state, that they actually had certificates of the state of the chancel from tradesmen who had been employed to make trifling repairs a few years ago—that if the adjoining part of the church was touched the chancel would fall. Dr. Addams also said, he thought that if the parish assented to a rate for the repair of the chancel, the churchwardens would be justified in laying a rate for that purpose; and he concluded by expressing his sincere regret that jealousies and animosities in any quarter should have prevented the proper repairs from being performed. Perhaps, the opinion of the learned civilian went rather out of the strict bounds of a legal opinion; but, after

all the facts of the case had been laid before him, that was the conclusion to which he had come, and the opinion was deserving of credit accordingly. Subsequently the Dean of Salisbury had corresponded with the lessee, Mr. Jacob; but the whole thing stopped short by the lessee absolutely refusing to do anything more than what would keep the chancel in its present state. With respect to the correspondence of the churchwardens with the Dean of Salisbury, they had used a word with respect to the Dean of Salisbury which, in his opinion, had better have been omitted, when they said that "the Dean's continued distrust that the chancel was out of repair was disingenuous." On the other hand, there were passages in a letter from the Dean of Salisbury which appeared in the public prints some days ago, that he (Lord Normanby) very much regretted should have been used. The passage stood thus:—

"But in writing to the Dean to inform him of these facts, they asserted that the chancel was in as dilapidated a state as the body of the church. This, his lessee denied; and, though the churchwardens have repeated the assertion in their petition, I have to state that Mr. Money, an eminent surveyor of Donington, near Newbury, having carefully examined the chancel, reports that it is substantially in repair, and that an outlay of about 40*l.* would render it perfectly so."

Now, very few persons reading that statement could have failed to come to the conclusion that the petitioners had made such assertions without having the means of proving them. But those means they had in their hands, and that proof they had sent to the Dean of Salisbury, and he was consequently aware of it. The petition prayed for an alteration of the law in two respects. First, it prayed that the ordinary and the rector should not be the same person; and, secondly, it prayed that the visitation should be actual and personal. That certainly appeared to him to be a very anomalous state of things which prevented these parties from carrying out their intention of repairing the church, because the same party stood in the position of being the ordinary, the patron, and the rector.

Petition read and ordered to lie on the Table.

GAME LAWS.] Lord *Campbell* said, he had the honour to be entrusted with petitions from the Dunfermline district and the Kirkaldy district of Cupar, in reference to the Game Laws; and he felt it his duty very shortly to state to their Lordships the grievances of which the petitioners complained. He was not going to enter into any general history of the Game Laws; but on a subject of such importance, he thought it desirable that their Lordships should have an opportunity of expressing their opinion. The first grievance which the petitioners complained of with respect to the Game Laws was, that they were most oppressive to the tenant farmers. In that respect he could not agree with the petitioners. He thought that this was not in the slightest degree a question between landlord and tenant. So far the question was settled by contract; the lease provided for the rights over the game which the landlord was to enjoy, and it was the fault of the tenant himself if he did not stipulate for the protection which he thought necessary for the proper cultivation of his farm. It appeared to him that there had been a great deal of delusion and unfounded clamour on that subject. It had been said, that the system which now prevailed in Great Britain was very much the same as that which prevailed in France before the Revolution; but he could not at all admit that such was the case. If they were to sweep away all Game Laws, the same system as regarded landlord and tenant might still continue. The landlord might still say that he would not let his farm unless his game were allowed to feed unmolested; and the tenant might say that he would not take it unless compensation were given to him for the injury committed. With respect to the second grievance complained of, namely, the injury done to the community by the Game Laws, he thought the petitioners had reason on their side. When so many convictions for poaching, so many encounters between poachers and gamekeepers, and so many murders had taken place, it must be allowed that the serious attention of the Government should be directed to the determining whether some amendment in the law could not be devised. This was a growing evil. In the year 1811, there were 3,000 game convictions; the annual number now very nearly reached 5,000. From 1833 to 1843, there were 42 instances of homicide in encounters between poachers and gamekeepers; of these there were 25 convictions for murder. All must admit, therefore, that the evil was of the most alarming nature. He did not wish to see any system introduced which would interfere with the fair

enjoyment of field sports. He would be one of the last persons so far to libel the gentry as to affirm that they were attached to their country seats for mere hunting and shooting. He did not think so. He believed that they employed themselves in educating the people, and in exercising acts of hospitality; and, at the same time, he must say that it was but fair, when they were doing so much good, that they should enjoy field sports as their ancestors had done before them. What remedy should be provided, it was not for him to suggest; but certainly something should be done either to prevent poaching or to remove the temptation to it; and if law could not do a great deal, much, he believed, might be done by kindness and good feeling. He did hope that some noble Lord who was more conversant with the subject than himself would take up the subject. He would press it on the consideration of Her Majesty's Government. But he had also a noble Lord in his eye (Lord Dacre) who, in another House, had distinguished himself by the manner in which he had dealt with this matter, and to whose exertions they were indebted for the Bill of 1831; and he would be very glad to leave the matter in the hands of that noble Lord. It had been hoped that poaching would be prevented by allowing the sale of game; but that hope had been disappointed: it was now absolutely necessary that some remedy should be devised.

Lord *Dacre* observed, that in 1816 he had moved for a Committee, in the other House of Parliament, to inquire into the condition and general character of the Game Laws. The result of the inquiry was, amongst other things, the establishment of the doctrine that the property in the game was in the owner of the soil—*ratione soli*; for so soon as the animal was off the soil the property was no longer in the original owner, unless followed by what was called a recent pursuit. He had brought in a Bill on this subject, which was carried through Committee, but which was defeated on the Report, owing to the strong feeling which then existed against any legislation upon the subject; and he was proud to say that it was the groundwork and basis of the Bill which they were at present anxious to amend, the Bill of the 1st and 2nd William IV. He concurred in most, if not in all, that was stated by his noble Friend (Lord Campbell) as to the evils which might justly be attributed to the Game Laws as they at present existed. He hoped something would be done to mitigate the mischiefs which the country, and more especially the agricultural population, were now experiencing. But it was impossible to check poaching so long as the sympathies of the people were not marching along with them. So soon as they impressed upon the public at large the real motive and character of property in game, he was sure their recognition of it would be readily obtained. He had at the present moment a Bill in reference to the matter actually prepared, and which had for some time been prepared, and which it was his intention to place before their Lordships. There was, however, a Committee at present sitting in the other House of Parliament; and, as a matter of courtesy, and, he might say, of decency, on his part, he had hesitated to force forward his own Bill until he knew the line and the decision of that Committee—until he knew whether they meant to report at all upon the subject before them, and what would be their Report, and whether their Report would be followed by legislative proceedings. Whenever he obtained any knowledge of the proceedings of that Committee, he would, if he then thought it proper so to do, be ready to lay the Bill which he had prepared upon their Lordships' Table. He hoped to be able to come to an early decision on the subject.

Lord *Hatherton* regarded the alterations of 1831 as very valuable in their character and tendency. They removed much that was exclusive and odious in the system of the Game Laws; but much remained still to be done. He was sorry that his noble Friend who last addressed the House had not thrown out some suggestions as to the best mode of dealing with the subject; for from his noble Friend's long attention to this subject, any suggestions thrown out by him would have been listened to with a degree of attention to which their value would have entitled them. Great mischiefs would be prevented, if those who possessed game would forego some of their privileges by repealing the enactments which made hares game. Nineteen out of every twenty convictions arising from the Game Laws were had for snaring hares. The injustice of the monstrous extent to which the preservation of hares was carried, in many cases was so great, that he was sure their Lordships would not hesitate to admit that it was extremely desirable that, by some legislative measure, an end should

be put to it. If hares were put upon the same footing as rabbits were on, retaining the Game Laws with respect to pheasants and partridges, there was no doubt but that a considerable destruction of them would take place in many districts, in which they could not be preserved to the extent to which they now were. If a man possessed a few acres of wood, and chose to preserve hares upon them, he might do so for his amusement under the present system, not at his own expense, but at the expense of his poorer neighbours, and might commit them to jail if they destroyed any of them. By putting hares upon a different footing, this state of things would be altered for the better.

The Earl of *Stradbroke* entirely agreed with what had fallen from the noble Lord who introduced this subject, when he said that the complaint did not lie between landlord and tenant. Nothing could be more correct than to say, that the tenant, on hiring a farm, had the power of making certain arrangements with his landlord in reference to the game upon his farm. He differed from his noble Friend who spoke last upon the subject of hares. It was perfectly true that there were more convictions arising from the snaring of hares than from any other cause connected with the Game Laws; but this circumstance arose simply from the fact that hares were much more easily taken than any other species of game. With regard to the murders which had taken place, they might have been avoided if proper directions had been given to gamekeepers.

Petition read and ordered to lie on the Table.

MAYNOOTH.] Earl *Fitzwilliam* presented a petition from a congregation of Protestant Dissenters, against the grant to Maynooth. The noble Earl said, that the petition related to what was called, or rather miscalled, to a certain degree, the endowment of the College of Maynooth. It prayed against the proposed endowment, upon what might be considered the dissenting ground of objection—the ground that the State should not interfere in favour, not merely of the Roman Catholic Establishment, but of any Establishment whatever. The petition might be regarded as praying against the maintenance of the Anglican Establishment as well as against Maynooth. He entirely dissented from the whole scope and view of the petition, both with respect to its being hostile to what was proposed to be done in favour of the College of Maynooth, and also with respect to the spirit which animated the petitioners against Ecclesiastical Establishments. The endowment of Maynooth he regarded as but a small instalment of what was due to the people of Ireland. He had great satisfaction in contemplating further measures in relation to academical establishments in Ireland. If Ministers intended to stop with their present measures, they were persons who did not comprehend the results of the measures which they were now proposing; but as they were persons, in his opinion, competent to take an adequate view of the results of those measures, he could not refrain from giving them the credit for intending a great deal more; and he was glad to be able to give them credit for such intentions. With these observations, he would lay the Petition upon the Table.

House adjourned.

HOUSE OF COMMONS,

Tuesday, May 20, 1845.

MINUTES.] BILLS. *Public.*—1°. Fresh Water Fishing.
3°. and passed;—Indemnity.

PETITIONS PRESENTED. By Col. Verner, from Keady and Tartarraghan, for Encouragement to Schools in connexion with Church Education Society (Ireland).—By Mr. Colville, and Mr. Duff, from several places, for better Observance of the Lord's Day.—By several hon. Members, from a great number of places, against the Grant to Maynooth College.—By Sir John Guest, Mr. Pusey, and Viscount Sandon, from several places, in favour of the Grant to Maynooth College.—By Sir John Hanmer, from several places, against Merchant Seamen's Fund Bill.—By Sir T. Fremantle, from Sligo, for Alteration of Municipal Corporations (Ireland) Act.—By Sir Richard Vyvyan, from Guardians of the Helston Union, against the Parochial Settlement Bill.—From Lowestoft, for Diminishing the Number of Public Houses.

GRAND JUNCTION RAILWAY.] The Report on the Grand Junction Railway Bill was considered.

On the Motion that the Amendments made by the Committee be now read a second time,

Mr. *Ricardo* begged to enter his protest against the further progress of the Bill. It would seriously injure his constituents, without at all serving the districts (the Potteries) through which it was intended to pass. He had presented petitions signed by 20,000 of his constituents, against the measure, which he trusted would have its proper weight with the House. He contended that the whole scheme was a mere juggle, seeing that the Standing Orders as regarded capital had not been complied with. The hon. Mem-

ber concluded by moving that the Report be taken into consideration that day six months.

Mr. *Wilson Patten* observed that the Bill had been referred to a Committee the Members of which had no personal interest in the measure. They had decided in favour of the line, considering that it would confer great advantages on the district through which it was to pass. He trusted that the House would not reverse the decision of the Committee.

Mr. *E. Buller* understood the decision of the Committee had been come to by the casting vote of the Chairman. He had also learned that the Committee of the Board of Trade had recommended the postponement of the Bill until a future Session.

Mr. *Hawes,* as Chairman of the Committee, defended its decision, which had been pronounced on the merits of the case alone. It had been proved to their satisfaction, that the line would confer great local and public advantages.

Mr. *Gisborne* supported the Amendment. He contended that the Potteries had been worse treated than any other district, with respect to railway communication. Ten years ago they had obtained a Bill which they sold to the Grand Junction, on the understanding that that company would carry out the line themselves. Up to this time, however, they had been left wholly without railway accommodation. He believed that the only object of the Grand Junction Company, in now coming forward, was to shut out competition and to obtain a monopoly for themselves.

Lord *G. Somerset* said, that if he were satisfied, first, that if the Bill passed, the line would be carried out; and, secondly, that it would not prevent the formation of a better line at a future period, he should be prepared to support the decision of the Committee.

Mr. *Hawes* assured the noble Lord that the Committee had been satisfied on both these points.

The House divided on the Question that the words proposed to be left out stand part of the Question:—Ayes 73; Noes 206: Majority 133.

List of the AYES.

Ainsworth, P.
Aldam, W.
Arbuthnott, hon. H.
Bagot, W.
Baird, W.
Baring, F. T.
Barrington, Visct.
Bateson, T.
Blackburne, J. I.
Broadley, H.
Buller, C.
Byng, G.
Carew, W. H. P.
Childers, J. W.
Clifton, J. T.
Colebrooke, Sir T.
Collett, J.
Colville, C. R.
Courtenay, Lord
Dennistoun, J.
Disraeli, B.
Douglas, Sir H.
Easthope, Sir J.
Ebrington, Visct.
Emlyn, Visct.
Entwisle, W.
Estcourt, T. G. B.
Fitzroy, hon. H.
Fuller, A. E.
Gladstone, W. E.
Glynne, Sir S. R.
Godson, R.
Greene, T.
Grosvenor, Lord R.
Guest, Sir J.
Hollond, R.
Hornby, J.
Howard, C. W.
Howick, Visct.
Inglis, Sir R. H.
James, W.
James, Sir W. C.
Jervis, J.
Johnstone, H.
Labouchere, rt. hn. H.
Lawson, A.
Layard, Capt.
Lockhart, W.
Lowther, Sir J. H.
Lowther, hon. Col.
Mackenzie, W. F.
Mahon, Visct.
Martin, T. B.
Mitchell, T. A.
Mordaunt, Sir J.
Mundy, E. M.
Pakington, J. S.
Pendarves, E. W.
Pollington, Visct.
Price, R.
Russell, C.
Ryder, G. D.
Sandon, Visct.
Shirley, E. J.
Smith, A.
Somerset, Lord G.
Stewart, P. M.
Strickland, Sir G.
Thornhill, G.
Trotter, J.
Walker, R.
Walsh, Sir J. B.
Winnington, Sir T.

TELLERS.

Patten, J. W.
Hawes, B.

List of the NOES.

Acheson, Visct.
Ackers, J.
A'Court, Capt.
Acton, Col.
Adare, Visct.
Allix, J. P.
Anson, Col.
Arundel and Surrey, Earl of
Astell, W.
Attwood, M.
Baillie, J.
Baillie, Col.
Baillie, H. J.
Barclay, D.
Baring, H.
Barnard, E. G.
Barron, Sir H. W.
Bell, J.
Benbow, J.
Bentinck, Lord G.
Berkeley, C.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Berkeley, G.
Blackstone, W. S.
Botfield, B.
Bowring, Dr.
Bramston, T. W.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Bruce, Lord E.
Bruce, C. L. C.
Bruges, W. H. L.
Buckley, E.
Buller, E.
Buller, Sir J. Y.
Busfeild, W.
Carnegie, Capt.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Christie, W. D.
Chute, W. L. W.
Clerk, rt. hon. Sir G.
Clive, Visct.
Cobden, R.
Codrington, Sir W.
Colborne, W. N. R.
Collins, W.
Colquhoun, J. C.
Coote, Sir C. H.
Corbally, M. E.
Crawford, W. S.
Dashwood, G. H.
Dawnay, W. H.
Deedes, W.
Denison, J. E.
Dick, Q.
Divett, E.

Dodd, G.
Douglas, Sir C. E.
Drummond, H. H.
Duff, J.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Duncombe, O.
Dundas, Adm.
Dundas, F.
Du Pre, C. G.
Eaton, Capt. R. J.
Egerton, Sir P.
Egerton, W. T.
Egerton, Lord F.
Ellice, E.
Ellis, W.
Elphinstone, H.
Evans, W.
Fielden, J.
Ferguson, Sir R. A.
Ferrand, W. B.
Fitzroy, Lord C.
Fitzmaurice, hon. W.
Ffolliott, J.
Forbes, W.
Forman, T. S.
Forster, M.
French, F.
Gardner, J. D.
Gibson, T. M.
Gisborne, T.
Gore, M.
Gore, R.
Granby, Marq. of
Grimsditch, T.
Grogan, E.
Halford, Sir H.
Hall, Sir B.
Hallyburton, Lord
Hamilton, Lord C.
Hanmer, Sir J.
Hatton, Capt.
Heathcoat, J.
Henniker, Lord
Hindley, C.
Hodgson, F.
Holmes, W. A'C.
Hughes, W. B.
Hume, J.
Humphery, Ald.
Hussey, T.
Ingestre, Visct.
Jocelyn, Visct.
Johnson, Gen.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Kelly, F.
Knightley, Sir C.
Langston, J. H.
Lascelles, hon. W. S.
Leader, J. T.
Legh, G. C.
Leveson, Lord
Liddell, hon. H. T.
Lindsay, H.
Loftus, Visct.
Lygon, hon. Gen.
Mackenzie, T.
Mackinnon, W. J.
M'Geachy, F. A.
McTaggart, Sir J.
Maher, N.
Mangles, R. D.
Manners, Lord J.
Marsland, H.
Masterman, J.
Maunsell, T. P.
Milnes, R. M.
Mitcalfe, H.
Morris, D.
Muntz, G. F.
Murray, A.
Napier, Sir C.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Norreys, Lord
O'Brien, A. S.
O'Brien, J.
O'Connell, M. J.
O'Conor Don, The
Osborne, R.
Oswald, A.
Packe, C. W.
Paget, Col.
Palmerston, Visct.
Pattison, J.
Pechell, Capt.
Peel, J.
Philips, G. R.
Plumridge, Capt.
Praed, W. T.
Pusey, P.
Rashleigh, W.
Redington, T. N.
Rendlesham, Lord
Rolleston, Col.
Round, C. G.
Round, J.
Rous, Capt.
Rushbrooke, Col.
Scott, F.
Somerville, Sir W.
Spooner, R.
Stanley, E.
Stansfield, W. R. C.
Stewart, J.
Stuart, Lord J.
Strutt, E.
Tancred, H. W.
Taylor, E.
Thompson, Ald.
Tollemache, J.
Towneley, J.
Trelawny, J. S.
Trench, Sir F. W.
Trollope, Sir J.
Troubridge, Sir J. E. T.
Turner, E.
Turner, C.
Tyrrell, Sir J. T.
Vane, Lord H.
Verner, Col.
Villiers, C.
Vyvyan, Sir R. R.
Waddington, H.
Wall, C. B.
Watson, W. H.
Wawn, J. T.
Wilshere, W.
Wodehouse, E.
Wortley, hon. J. S.
Wrightson, W. B.
Wyndham, Col.
Wyse, T.

TELLERS.

Copeland, Ald.
Ricardo, J. L.

On the main Question as amended being put,

Viscount *Howick* took that opportunity of stating his opinion that it was incumbent on the Government to introduce some regulations with reference to the charges upon railways. In some cases charges were very high, and in others very low. His opinion was, that in some cases, higher charges were established than were consistent with the welfare of the public. This House ought at once to make these alterations, as they could not be made in the House of Lords. In one railway 3*d.* a ton per mile was charged upon coals, in another only 1*d.*, sometimes only $\frac{3}{4}d.$ where the competition was great. On many railways the charges for passengers were 3*d.*, 2*d.*, and $1\frac{1}{2}d.$ a mile in the first, second, and third classes. Now these charges were too high. With respect to the old companies, he believed there was no redress to be had; but he believed the object of the Government in introducing this new Standing Order was to establish a new rate of charges in the different conveyances of the new companies, and reduce those that should be deemed to be unreasonable. This was a question of great importance, and before the present Railway Bills should be read a third time, he trusted the Government would take up the question.

Sir *G. Clerk* concurred with the noble Lord that it would be a very proper question for the consideration of the Board of Trade.

Mr. *Labouchere* replied that his noble Friend had never said that the Board of Trade ought to perform any such duty. He thought, however, that the Board might look into the matter, so as to be able to make some recommendation to the House as to the rate of charges they thought reasonable. No Railway Bill, he contended, ought to be read a third time until the proposition of the right hon. Member for the West Riding of Yorkshire (Mr. S. Wortley) had been fully considered.

Consideration of the Report postponed for six months.

THE TARA MEETING.] Mr. *Ferrand* wished to put a question to Her Majesty's Government, of which he had not given them any notice, because he found that the right hon. Baronet the Secretary of State for the Home Department was aware of the matter which he was about to bring forward, and if they required notice he would give it for to-morrow. He referred to a meeting which was to take place on the hill of Tara, a programme of which appeared in the *Dublin Freeman's Journal* of the 17th of May. It stated that the meeting was to take place on Thursday next, on the hill of Tara, on which occasion the county of Meath would demonstrate to the Ministers and to England that in 1845 the same spirit and the same determination pervaded its population which pervaded them in 1843, when a million of men assembled together. The question he wished to ask was, whether, in 1845, Her Majesty's Government would assert the majesty of the law as they had done in 1843, and prevent those monster meetings from taking place; or whether they meant tacitly to allow Mr. O'Connell and the people of Ireland to trample the law under their feet?

Sir *J. Graham* said, that the hon. Gentleman had given him no notice of the question he had just put; but he would nevertheless answer that he certainly was aware of the probability of a numerous assembly of the people of Ireland on the occasion to which the hon. Gentleman referred, and the Lord Lieutenant of Ireland had received directions from Her Majesty's Government that the peace of Ireland should be preserved according to the laws which existed at present.

NEW ZEALAND COMPANY.] Captain *Rous* rose for the purpose of moving, agreeably to the Notice he had given, that the Treaty of Waitangi, confirmed and approved by Her Majesty, ought to be maintained with the strictest integrity, when

Sir *R. Peel* rose and said, he hoped his hon. and gallant Friend would wave the precedence to which he was entitled, and allow the adjourned debate to proceed. The hon. Member for Wolverhampton, who had a Motion second on the Paper, resigned his claim, on the understanding that the adjourned debate was to be proceeded with; and he certainly left the House last night under that impression. He hoped, therefore, that his hon. and gallant Friend would follow the example of others, and permit the Order of the Day for the adjourned debate to be proceeded with, by waving his right.

Captain *Rous* said he should be sorry to interfere with the adjourned debate, but he hoped he might be permitted to state in a few words how he was situated. The last time he addressed the House on the subject of New Zealand he stated that the New Zealand Company got money under false pretences—that they decoyed labourers to the Colony, and then left them in a state of destitution. He was afraid, therefore, that if he did not take the earliest opportunity to bring forward his Motion, it might be said that he calumniated the Company; and he thought it right also to give the Company an opportunity of answering or explaining the charges he made; if they did which, he was ready to make an ample apology. There was a stigma cast upon the Company, and it was for their sake that he wished to bring forward the Motion; but, at the same time, he was the last person who would wish to stand in the way of the public business.

Sir *R. Peel* said, he thought an additional reason for not bringing on the Motion that night was, that he believed the House was not prepared for the discussion on the Motion of his hon. Friend. The general impression was that the Maynooth Bill would be proceeded with; and he doubted if those who were likely to take a part in the discussion on the New Zealand question were prepared for it.

Mr. *C. Buller* said that the hon. and gallant Member placed the postponemen of his Motion on such grounds that it became necessary for him to say, on the part of the New Zealand Company, that they were most anxious to hear his statement, and to have the question he meant to bring forward fully discussed; but, at the same time, he begged to tell the hon. and gallant Captain that he did not come down to the House prepared to discuss that night the question of the observance of the Treaty of Waitangi. He declared that till he came to the House he had not the slightest impression that the hon. and gallant Member would even take an opportunity of substantiating his charges. He never told them that he would bring it

on, nor had he given them the slightest idea of what his charges were. When they were brought forward, the Company would give a satisfactory answer to them; and he was therefore glad that the hon. and gallant Officer had pledged himself to support his sweeping accusation against the Company.

Captain *Rous* said, he brought forward two distinct charges, and he did not know how they could be misinterpreted by any living man; and if he was a director of the Company he would not sleep in his bed till the charges were entered into. He would be happy when the hon. Gentleman brought forward the question of New Zealand, to give an explanation of the whole principle on which the Company was based. But as the hon. Gentleman said that he was not prepared, God forbid that he should attack any man in that situation—that he should attack any man who was not prepared to defend himself in every way. He wished to bring the question forward for the sake of the Company themselves. He was ready at all times and seasons to do so, but if it were postponed to-night, he found he could not bring it forward before July; but if he were a director of the Company he would not sit still for six weeks under the imputation which was cast upon them.

Subject postponed.

PRIVILEGE — PRINTED PAPERS.] The *Solicitor General* moved to nominate the following Members as the Select Committee on Printed Papers:—Sir Robert Peel, Lord John Russell, Mr. Solicitor General, Sir Thomas Wilde, Mr. Attorney General for Ireland, Sir George Grey, Sir Robert Harry Inglis, Mr. Francis Baring, Viscount Mahon, Mr. Warburton, Mr. Wynn, Mr. Bernal, Mr. Chancellor of the Exchequer, Mr. Pigot, and the Lord Advocate.

Mr. *T. Duncombe* begged to ask a question of the hon. and learned Member. Another action, he had been informed, was brought against the Sergeant by the clerk of Mr. Howard, and he wished to know whether that was also to form a subject of inquiry before the Committee about to be appointed? The question had been now before the House during three Sessions, and it had been bandied to and fro between the courts and that place for a long period of time; he begged to know to what purpose or with what useful result? The Attorney General had formerly expressed in that House a very strong opinion that the decision of the Courts would be in favour of that House. [The *Solicitor General:* No.] He begged the hon. and learned Gentleman's pardon; but if he referred to the speeches made on the occasion, he would find what he had stated to be the fact, and that, indeed, was the only reason which had induced the right hon. Baronet to advise the House to allow the Sergeant to plead to the action. They had now arrived at the stage of proceeding where a decision had been given against the House. What would they do? No one had taken a more active part than he had done in bringing the matter to an issue; but that proceeding related to a subject quite distinct from the present, being upon the question of publication; and in order to test the point whether the officers of the House were to be empowered to print and circulate libels against any individual without being liable to give satisfaction for so doing. That question was tried by the Court of Queen's Bench; and in consequence of the decision then the House was obliged to get an Act of Parliament passed by the Legislature in order to protect its officers. The case before the House stood upon a totally different ground. They were about to refer it to a Select Committee; but they would only delay the evil hour by that step, and not avert it. It was very childish work to refer such matters to a Committee upstairs, which could in no respect or degree aid the House in the situation in which it was placed. What he wished to ask the hon. and learned Gentleman was, whether the action brought by Mr. Pearce, the clerk of Mr. Howard, against the Sergeant, was to be subjected to the consideration of the Committee?

The *Solicitor General* said, that the hon. Gentleman was perfectly correct in stating that another action had been brought by a person named Pearce, who was, he believed, a clerk to Howard, against the Sergeant-at-Arms; but under what circumstances the action was brought, or what was the form of the warrant, it was impossible for him to inform the House. He believed, however, that the warrant in the case of Pearce differed in many material respects from the other. But he did not know what was the object of the hon. Gentleman on the present occasion. Did the hon. Gentleman mean that they should rescind the vote of the House for a Select Committee to report to it on the subject of the action of Howard *v.*

Gossett. His reasons for asking for a Select Committee were neither childish nor puerile, for at the present moment he was not aware of the grounds on which the judgment of the Court of Queen's Bench proceeded. It would be premature to discuss the subject till they knew the grounds of the decision which had been come to. He knew it was necessary they should act promptly, but at the same time with due deliberation. He mentioned yesterday that there were other actions pending, and he stated that as a reason for proceeding with caution on the present occasion. The House had already resolved to refer the matter to a Select Committee, and he trusted the hon. Gentleman would, from the circumstances stated, see the propriety of the course adopted.

Mr. *Hume* had from the first been opposed to any reference of such a question as the present to a Committee. He looked upon that to be only one mode of delaying the final settlement of the question. The House must take some decisive step to vindicate its own authority. It would appear that the highest tribunal in the kingdom had no means of carrying its own orders into effect. Every other court was endowed with such a power; but, from what had occurred, it seemed that the House of Commons was destitute of such a power.

Sir *R. Peel* said, the House could come to no determination as to the steps which it would be advisable to take until the writ was actually served upon their Sergeant. That step had not yet been taken; when it was accomplished the House would be informed of it by their officer, and then would be the proper moment for resolving what to do. The House would take no proceedings in the matter until it had a full knowledge of the judgment that had been pronounced by the Court. At the same time, he must recall to the recollection of hon. Members the fact that he had anticipated the judgment which now formed the subject of consideration, on an occasion when a noble and learned Judge had referred in another place to a speech which he had made on the subject, and he had anticipated that the decision would, as it had done, turn upon a technical point, and not upon the merits of the case.

Mr. *Ward* said, it was necessary for the House to act with caution in regard to the issuing of warrants, after the language that had been heard from the Bench by a Judge upon whose calmness of disposition, and whose learning and qualifications, the House had every reason to rely with implicit confidence. The learned person to whom he referred—Mr. Justice Coleridge—who had a written judgment in the case recently decided in the court where he sat, and who, in the course of that judgment, expressed the greatest doubts whether a messenger of that House might not be murdered with impunity by any person whom, in obedience to the orders of the House, he might attempt to take into custody upon the authority of the Speaker's warrant—that learned Judge expressed himself to be doubtful whether such an act as killing a messenger under such circumstance could be held to be a crime. If anything would operate as a warning to the House to proceed with caution in any future steps it might take, such an opinion as the one he had referred to ought to have that effect. And, considering that the hon. Member for Montrose had given notice of his intention to persevere in his Motion for a call of the House on the 22nd of the month, and that the probable consequence would be to send messengers to Ireland to bring over the absent Members—the sooner that question was decided the better.

Sir *R. Inglis* said, that had the present conversation taken place on the preceding day, when the Committee was first proposed by the hon. and learned Solicitor General, it would have been appropriate; but the House having consented to nominate a Select Committee to inquire into the whole subject, he thought it was ill-timed. The question before the House was, whether the Motion which stood No. 14 on the Paper should proceed, and the names proposed by the hon. and learned Member and from the Chair should be those which were to constitute the Select Committee; in his opinion every question should stand on its own grounds, and not be mixed up with other extraneous matters. The question to be examined into was the nature of the decision, and the grounds upon which the Judges had decreed that the proceeding of the House was wrong. It was impossible for them to remedy the defect in their own proceedings. Nothing could eke out a defective warrant. If the warrant was illegal from informality, the person who resisted was justified in law. To try a principle, extreme cases should always be selected, and in the present instance that seemed to be the result that would be derived from the proceeding.

Lord *J. Russell* said, that that did not appear to him an improper opportunity for

raising the present discussion; for, although the House had consented, on the Motion of the hon. and learned Gentleman, to appoint a Committee, yet no time had been afforded it to deliberate upon the proper course to pursue; and, therefore, if the step that had been taken in agreeing to a Committee, appeared, upon mature reflection, to be a hasty or an improper one, the House would be perfectly right in reversing its decision, and it would be highly expedient to do so. But he certainly considered it extremely advisable for the House to have all the facts clearly before it, and also, that it should have an opportunity of calmly examining what the judgments were which had been pronounced by the Court of Queen's Bench. The question was of great importance, and he must certainly declare that he was not yet sufficiently informed upon the subject, and for that reason he was prepared to go into a Committee upstairs, and to acquire the necessary knowledge to enable him to deal with the matter in that House.

Motion agreed to. Committee nominated.

TRINITY COLLEGE (DUBLIN).] Mr. *Bernal Osborne* moved that there be laid before this House—

"A Return of all Moneys derived from Rents of College Lands, Endowments, Bequests, Fees on Matriculations, and taking of Degrees; specifying the amount of Income paid therefrom to the Senior and Junior Fellows, Professors, Scholars, and other Officers of Trinity College, Dublin."

Sir *T. Fremantle* was under an impression that the Motion would be postponed, as were several other Motions on the Paper. He hoped the hon. Member would not, under the circumstances, persevere in bringing it forward.

Mr. *Osborne* hoped the right hon. Gentleman would fix another day for the Motion, otherwise he would persist in then dividing on the question.

Sir *T. Fremantle* said, the House was evidently not prepared to enter on the question at that moment, as it was under an impression that hon. Members who had Notices of Motions would yield precedence to the Order of the Day for the adjourned debate on the Maynooth grant.

Mr. *Osborne* said, he should much have preferred that the debate on the Maynooth grant should have been disposed of last night, for he did not at all approve of the principle of withdrawing independent Motions to make way for adjourned debates. He had a Motion on the Paper for throwing open Trinity College to our Catholic fellow subjects; and, as a preparatory measure, he thought it was necessary to have the Return which he moved for. He maintained that the House had a perfect right to order the Return, and he should certainly press his Motion to a division.

Mr. *Hume* trusted that there would be no objection to the Motion. As public property, he should like to know what were the resources applicable to education, and what to other purposes, in Trinity College. Any objection to the Motion must have its origin in the fear that something wrong in the system might be exposed by it. At this time, when the country was being called upon to vote money for academical purposes in Ireland, he regarded such a Motion as peculiarly applicable and necessary, and he should therefore give it his most unqualified support.

Mr. *Shaw* would object to any such return as that proposed by the hon. Member (Mr. Osborne). He would do so in very few words then, as the House was evidently indisposed to the very irregular course taken by the hon. Member in bringing forward a Notice which stood at the end of a long list; it being supposed that all would acquiesce, as all the other hon. Members in whose names Notices stood, had, in the general understanding of the House, that the adjourned debate on the Maynooth Bill was to be proceeded with —in a word, then, his objection was, that the House, which made no grant to the University of Dublin, had no right to require from them a return of their property; and that the inquiry sought was of a most invidious nature, scrutinizing the emoluments of every officer of the College, from the Provost downwards, where no abuse had been alleged, and no case attempted to be made for such an unusual course of proceeding. The English Universities were not subject to any such inquisitorial exercise of power on the part of that House; and why should the Irish University? The same Motion had been made last Session by the hon. Member for Waterford (Mr. Wyse), and resisted by the Government, on the grounds that he had stated; and, as he could have no doubt the Government would pursue the same course at present, he would not, on that very inopportune occasion, further trouble the House than to say, that he

would meet the Motion of the hon. Member with a decided negative.

Mr. *Ward* thought the last statement of the right hon. Gentleman was a reason for the Government supporting the Motion this year.

Mr. *Warburton* conceived there were sufficient precedents for acceding to the Motion. The inquiry into the charities of England and Wales, afforded a very conclusive one.

Sir *T. Fremantle* said, it appeared to him that the precedents were the reverse of what was assumed by the hon. Gentleman. On the occasion of the inquiry alluded to, there was a special exemption in favour of the English Universities, and some of the public schools; and it was now proposed to deny a similar exemption to Trinity College, Dublin. The property held by the corporation of Trinity College was to a certain extent of a private nature; and he would not adopt a precedent in the case of that College from which the English Universities had been so expressly exempted.

Mr. *Ewart* said, that the special exemption in favour of the English Universities, which had been so relied on by the right hon. Baronet, was far from being a good reason for refusing an inquiry into the case of Trinity College, Dublin. On the contrary, the fact of the exemption having been claimed, showed that the House had power to inquire.

Sir *T. Fremantle* did not deny the power of the House; but he deprecated the exercise of the power in this case.

Mr. *Sheil* said, that the property of Trinity College consisted of a certain endowment by Bishop Thomas Baldwin; and a grant made by Elizabeth of the lands of the Earl of Desmond, which had been confiscated to the Crown. These lands lay principally in the county of Kerry; and they amounted to some hundred thousand acres. The House might perhaps draw a distinction with respect to Bishop Baldwin's endowment; but why was the grant made by the Crown, for a great national purpose, to be exempt from inquiry? What motive had they for hiding the extent of the funds of the College, and concealing the application of them? The other evening he stated that the senior Fellows of the College had 2,000*l.* a year each. The hon. Gentleman opposite immediately contradicted him; but subsequently conceded that they had nearly 2,000*l.* each. There were seven senior Fellows, whose offices were nearly sinecures—so here were seven men admittedly in possession of 14,000*l.* a year between them. That much they knew; but they did not know how the rest of the funds were disposed of. The hon. Member for the University of Dublin resisted this inquiry. He was not inconsistent in doing so; for as Recorder of the Corporation of Dublin, he had also resisted inquiry into the application of the property of that corporation. But in this instance, he had given no reason why they should not ascertain whether the amount of funds at the disposal of the College was exaggerated or not.

Sir *R. Inglis* said, that the hon. Member for Dumfries had overstated the powers of the House. The Returns which the hon. Member had alluded to were made by Act of Parliament; but the Returns now required were proposed to be by the Order of the House. That made all the difference. There was no reason assigned for the Returns. He had not heard even an allegation of abuse. The only statement made was, that seven of the Fellows had 2,000*l.* a year each; but that did not give any right to inquire. They had no more right to call for these Returns from the University of Dublin, than from the Apothecaries' Company; or any other similar corporation. No charge had been made against the College; and they had, therefore, not even a pretext for acceding to the Motion, which he would, for his part, certainly oppose.

Mr. *Bellew* contended, that it could not be said that the University of Dublin could make away with its property. It was accountable for its application; and he thought it important that the House should obtain the required Return.

Mr. *M. Gibson* said, that the power of Parliament to inquire into such matters had been proved by the issuing of the Commission referred to by the hon. Member for Kendal; and the power of the Universities over Parliament had been proved by their obtaining an exemption from the inquiry. It was precisely the case of applying the principle of free trade to everything except corn and sugar.

Mr. *T. Duncombe* supposed that the hon. Baronet the Member for the University of Oxford was fearful, if these Returns were obtained with regard to Trinity College, Dublin, that they would

be made to extend to Oxford as well. The right hon. Gentleman the Secretary for Ireland doubted the propriety of that House exercising its power in obtaining an inquiry, but he assigned no reason whatever for such a doubt; and what must the country think, if the Motion were rejected, but that there was something rotten in the University of Dublin, which would not bear investigation? They were about to vote 26,000*l.* of the public money for Maynooth College—there was no secret as to the salaries of the professors there. They knew also what were to be the salaries of the professors in the new Universities which were to be established in Ireland; and why should there be any secret as to the salaries at Trinity College and Oxford? He trusted that his hon. Friend would persevere with his Motion; for if he did not press it then, he would very probably have no opportunity of bringing it forward again during the present Session.

Sir *R. Peel* said, the hon. Member for Dumfries (Mr. Ewart) had stated that there was no reason why the University of Dublin should be exempted from the rule that had been applied to other cases. He doubted whether any such rule as seemed to be referred to had been applied by that House to the Universities of this country. He did not know any case in which that House had on its own authority called upon Oxford or Cambridge, or any University, for returns of its revenues. The question which they were discussing was, whether the House should, by its own authority, and not upon the authority of an Act of Parliament, order the Returns moved for. He doubted whether the House had the power to order such Returns. [Mr. *Ewart:* It did in the case of the Scotch Universities.] That was done by Royal Commission. The hon. Member's Notice stood as the 16th Order of the Day, and he (Sir R. Peel) had not the slightest conception that it would come on that evening. Notwithstanding what the hon. Member for Sheffield had said, he should give his vote on this occasion as he gave it last Session—against the Motion, because he did not believe that any such principle as that sought to be established had ever been acted upon by that House. The question was one which he thought the House should not too hastily dispose of; but if it were pressed to a division he should certainly oppose it.

Lord *J. Russell* was far from saying that in every case the House should order returns from corporations or colleges with respect either to their rents or their salaries; but he conceived that there had been a case made out for such a return in the present instance. In the first place, they were called upon to vote out of the taxes a considerable sum for the promotion of education and learning in Ireland; and secondly, there was a statement made by a Member of the House that seven of the senior Fellows of Trinity College divided amongst them the sum of 14,000*l.* a year, whilst they did extremely little for it. Those circumstances formed in his (Lord J. Russell's) opinion a sufficient reason why the House should ask for full information. If, with regard to those Colleges depending on the Crown, it should appear that there was an income not applied to the purposes for which it was originally required and intended, then he thought the House might well take that matter into consideration when they should come to decide the plan of academical education in Ireland. For that reason he should vote for the Motion. If any better way of obtaining the required information were suggested by the Minister of the Crown; if he agreed, for example, to an address to the Crown, by which the Crown might call for the information; or, if he consented to agree to a Bill to be passed immediately, by which they should obtain all the information with respect to the College that they wanted, even such measures, though they might be somewhat dilatory, yet if they would have greater efficacy, and should be brought forward by the Minister, he should be prepared to support, if it would be any convenience to the Government, in preference to the Motion of his hon. Friend; but, after the manner in which the Motion had been opposed by the right hon. Gentleman the Secretary for Ireland, with no promise of obtaining the information sought for in another way, he (Lord J. Russell) had no alternative but to vote for the Motion of his hon. Friend.

Mr. *Colquhoun* said, that the noble Lord the Member for London had justified his vote upon two grounds—first, because they were about to vote from the taxes of the country a sum of money for the purposes of Education in Ireland. But they were going to do just the same thing in England; and if that argument were

good for an inquiry into Trinity College, Dublin, it was equally good for an inquiry into the Universities of England, though the noble Lord had carefully guarded himself from saying that he was prepared to vote for an inquiry into all the Universities of the country. Then the noble Lord said, that the statement of the right hon. Gentleman the Member for Dungarvon, that certain senior Fellows of Trinity College, Dublin, received 2,000*l.* a year each, was quite sufficient to justify the House in instituting an inquiry. Now, if they were to take all the statements of hon. Members of that House as facts warranting inquiries, they would soon have more inquiries than they would know what to do with. In the noble Lord's grounds, therefore, for supporting that Motion, he (Mr. Colquhoun) could not concur; though at the same time he would say, with the most earnest desire for the maintenance and support of Trinity College, Dublin, that if there were any appropriation of funds in that College beyond what was necessary for the due and adequate maintenance of the Fellows, it would be highly becoming in that College to take care that such measures should be adopted as should render such allegations, if again repeated, capable of instant refutation.

Lord *J. Russell*, in explanation, said, that the hon. Gentleman had omitted part of his argument. In quoting the authority of the right hon. Gentleman the Member for Dungarvon, in reference to the income of the senior Fellows of Trinity College, Dublin, he not only stated that they had 2,000*l.* a year, but added, what the hon. Member for Newcastle-under-Line omitted, that they received that sum for the performance of very light duties. The question regarding England he was quite prepared to let stand upon its own merits.

Mr. *Bright*, who rose amidst loud calls for a division, said, he was anxious that the country should have every information respecting Trinity College; and if there was any thing in that institution not fit to meet the public eye, he did not see why the Government should vote for the concealment of this information. He should consider himself justified in voting against the proposition to endow Government Colleges in Ireland, so long as the Government refused to inform Parliament how the funds of Trinity College were disposed of. He should support the Motion.

Mr. *B. Osborne* was greatly puzzled to understand what objection the Government could have to the Motion. He was glad, however, to find that the right hon. Gentleman the Secretary for Ireland had made a step in advance. At one time he had defended the Church of Ireland, and had denied the right of Parliament to make any inquiry with regard to it. The right hon. Gentleman had, however, that night admitted the right of Parliament to inquire into corporate property, and merely deprecated its doing so in the present instance. As the right hon. Baronet at the head of the Government had not expressed any decided opinion on the subject, but had left himself at perfect liberty to agree to the Motion at some future period, he thought that some hon. Member ought to have moved the adjournment of the debate. He himself was precluded from doing so. With regard to the University of Dublin, he could not help remarking that it was represented in that House by two Gentlemen who had not been brought up in that University. He thought that that of itself almost formed a ground for inquiry. He begged to remind the right hon. Gentleman opposite (Mr. Shaw), that they had obtained Returns of the revenues of all the Bishops of Ireland; and he wished to know upon what ground the Government refused him the Return he had moved for. If the right hon. Baronet would give him a pledge that he would institute an inquiry, he would not trouble the House with dividing.

The House divided:—Ayes 53; Noes 82: Majority 29.

List of the Ayes.

Acheson, Visct.	Fielden, J.
Archbold, R.	Gibson, T. M.
Baine, W.	Grey, Sir G.
Barnard, E. G.	Guest, Sir J.
Bellew, R. M.	Hatton, Capt.
Bright, J.	Hawes, B.
Brotherton, J.	Heron, Sir R.
Browne, hon. W.	Howard, C. W.
Buller, C.	Langston, J. H.
Butler, P. S.	Layard, Capt.
Cobden, R.	McTaggart, Sir J.
Crawford, W. S.	Mangles, R. D.
Dashwood, G. S.	Muntz, G. F.
Duncan, G.	Norreys, Sir D. J.
Duncombe, T.	O'Brien, J.
Escott, B.	Pechell, Capt.
Evans, W.	Plumridge, Capt.
Ewart, W.	Rawdon, Col.

Roche, E. B.	Tancred, H. W.
Russell, Lord J.	Turner, E.
Sheil, R. L.	Villiers, C.
Shelburne, Earl of	Wall, C. B.
Sheridan, R. B.	Warburton, H.
Smith, B.	Ward, H. G.
Somerville, Sir W.	Yorke, H. R.
Somes, J.	TELLERS.
Strickland, Sir G.	Osborne, R.
Strutt, E.	Hume, J.

List of the NOES.

Acton, Col.	Henley, J. W.
Adare, Visct.	Herbert, S.
Allix, J. P.	Hussey, T.
Arbuthnott, H.	Inglis, Sir R. H.
Barkly, H.	Jermyn, Earl
Baring, W. B.	Kirk, P.
Barrington, Visct.	Law, hon. C. E.
Blackburne, J. I.	Lawson, A.
Blackstone, W. S.	Lincoln, Earl of
Boldero, H. G.	Lowther, Sir J.
Borthwick, P.	McGeachy, F. A.
Bowles, Adm.	Mackenzie, W. F.
Briscoe, M.	McNeill, D.
Broadley, H.	Mahon, Visct.
Bruce, Lord E.	Martin, C. W.
Cardwell, E.	Masterman, J.
Cholmondeley, H.	Mundy, E. M.
Clerk, Sir G.	Neeld, J.
Clive, Visct.	O'Brien, A. S.
Colquhoun, J. C.	Palmer, G.
Compton, H. C.	Peel, Sir R.
Corry, H.	Peel, J.
Damer, hon. Col.	Plumptre, J. P.
Darby, G.	Polhill, F.
Denison, E. B.	Pusey, P.
Douglas, Sir H.	Richards, R.
Drummond, H. H.	Rolleston, Col.
Du Pre, C. G.	Round, C. G.
Ferrand, W. B.	Russell, C.
Ffolliott, J.	Sandon, Visct.
Forman, T. S.	Shaw, F.
Fremantle, Sir T.	Smith, T. B. C.
Gardner, J. D.	Somerset, Lord G.
Gladstone, Capt.	Sutton, hon. H. M.
Godson, R.	Taylor, E.
Gordon, hon. Capt.	Thesiger, Sir F.
Gore, W. O.	Verner, Col.
Graham, Sir J.	Vernon, G. H.
Greene, T.	Wortley, J. S.
Grimsditch, T.	
Hamilton, Lord C.	TELLERS.
Hampden, R.	Young, J.
Harcourt, G. G.	Fitzroy, hon. H.

MAYNOOTH COLLEGE—ADJOURNED DEBATE.] Sir *H. W. Barror*, in resuming the adjourned debate, said that he could perfectly well understand the opposition which had been offered to the Bill by the numerous Protestant Dissenters of England, who objected on principle to all grants by the State for religious purposes; but when he saw a large majority of the opponents of the measure in that House composed of Gentlemen who had on various occasions supported the principle of religious endowments by the State, he confessed he was at a loss to understand how it was they had been induced to join in the cry which had been raised against the measure now under consideration. He was surprised that hon. Gentlemen should take advantage of that cry, and found their opposition to the present Bill upon it; he was astonished that hon. Gentlemen should take advantage of that most improper cry, which was abroad in the country, and come down and tell Her Majesty's Ministers, in consequence of it, that they were not acting in accordance with the wishes of the majority of the constituencies, or of the people of this country. A reference to the petitions which had been presented to the House of Commons, against the proposed grant to Maynooth, would show what was the real nature of the prayer contained in those petitions. He would give them a fair sample of those petitions, by just reading a portion from one of them, emanating from a special general meeting of a body of the dissenting ministers of the three denominations, residing in and about the city of Westminster. The principal objection which they had to the present Bill was not that it was an endowment of the College of Maynooth as a Roman Catholic College, or as a school for the education of the clergy of that persuasion; but an objection to the principle of the endowment of any religious institution whatsoever. Were not the grounds of their opposition, then, to this measure apparently dishonest ones? The Dissenters of this country—as was evident from that petition to which he referred, and the very words of which he used—did not object to the present Bill because it was an endowment of the Catholic religion, but because it was an endowment of any religion whatsoever. What, then, became of the opposition to it of the hon. Baronet the Member for Oxford, or the hon. Member for Kent, those champions of the Established Church in this country? Were not the principles they advocated diametrically opposed to those of the Protestant Dissenters of England, as expressed in that petition? Let, then, the ground of opposition to the present Bill be clearly understood; but let it not be placed, as it was sought to be placed, upon a dishonest footing. He believed that nine out of every ten of these petitioners would be and were

equally opposed to the endowment of the Protestant Church Establishment, either in England, Ireland, or Scotland. The words of the petition were these, "because we conscientiously object to the endowment of any religious institution whatsoever." The champions, therefore, of the Protestant Church Establishment in England, Scotland, or Ireland, had no support from the petitions of the Dissenting bodies presented to that House. But he (Sir H. W. Barron) would beg to remark to the Dissenting ministers of this country, that this grant to Maynooth stood upon broad and distinct principles, apart from any grant to any other body whatsoever in the United Kingdom. In the first place, it had been sanctioned by the Irish Parliament, and then by the Parliament of the United Kingdom of Great Britain and Ireland, for forty-five years; and, moreover, it should be borne in mind, and no one but an unwise man and shortsighted statesman would forget it, that the great body of the Catholics of Ireland are keenly sensible and fully alive to the fact, that it was by English force, English violence, and English bayonets, that they were deprived of the original endowments of their own Church. Restore them these endowments, and they would not come to ask for any grant; but keep those endowments, contrary to the wishes, feelings, and prejudices, if you will, of the people of that country—contrary to the interests of the Catholics of Ireland, and apply them for Protestant purposes, and who could say, but that the Catholics of Ireland had a just right and claim upon the Parliament of England, so long as that property which was granted by Catholics, and for Catholic purposes, was devoted to Protestant purposes exclusively? As long as that continued so, the Catholics of Ireland might very fairly be supposed to expect some sort of restitution. It was true the Catholics of Ireland had not come to that House to ask for the present grant, which, in comparison to the property of which they had been deprived, was a paltry miserable pittance; but nevertheless he thought it would be received by the great majority of the Roman Catholic hierarchy and clergy of Ireland as an honest and honourable grant on the part of the British Parliament; he believed it would be received in a spirit of peace and kindness, and thankfulness more than commensurate with its amount. But he would ask, did not the circumstances he mentioned draw a long line of distinction between the grant to the College of Maynooth and any other grant they could give in this country? There was no analogy between the cases of the Dissenting clergy of this country and the Roman Catholic clergy, so far as the application of the voluntary principle to both was concerned; for the Dissenters never had any property of their own, while the Roman Catholics had, of which they had been deprived. It would, therefore, be not only unnatural, but impossible, to suppose that under such a state of things the Catholics of Ireland could feel perfectly satisfied unless such grants as the present were occasionally made to them as the exigencies of the occasion required. How would the people of England act, if similarly circumstanced with the people of Ireland? Suppose, for instance, Napoleon had succeeded by his armament at Boulogne, in conquering this country, and the property of its inhabitants or the Established Church handed over to the Roman Catholics by the invaders, what would the English people think or feel upon such an occasion? How would they act? They would think, and feel, and act like men. They would say to the invaders, "You have done us an injustice, and sooner or later you must make us restitution." The second objection to the Maynooth grant, however, was made upon religious grounds. Now, that objection, he thought, was extremely untenable in a country like this, which was in itself so much divided upon religious points, and where there were people professing so many different religions. But what were the real facts of the case in this Empire? They had established in England the religion of the majority of the people; they had established in Scotland the religion of the majority; but in Ireland alone they had established the religion of the minority. Was not that a state of things that it was impossible for the people of Ireland to submit to with anything like patience? Was it not on the face of it an insult? and unless they could soften down the asperities caused by these things—asperities rankling for 300 years—unless they treated the Irish Roman Catholics in the manner which would be manifested by acts like the present proposed one; how could they hope to remove successfully the animosities entertained towards British rule? The statements made by hon. Members in that House, that the majority of the people of this country were strongly opposed to the present measure, would furnish Mr. O'Connell with the

strongest possible arguments in favour of a Repeal of the Union. The hon. Baronet again referred to a document setting forth the reasons alleged by some of the opponents of the present measure, which were founded on their avowed hostility to the Catholic religion. The document went on to say, "We oppose this grant because the doctrines taught at Maynooth are of the most rigid school of Papistry." He would not make any remark on the term "Papistry," which was a kind of insulting phrase; but he confessed he did not well understand what the sentence exactly meant. He presumed it intended to convey that because the pure and distinct doctrines of the Catholic Church were taught at Maynooth, and no other, that that was sufficient ground for opposition. But he supposed the terms "rigid school of Papistry" meant such doctrines as were inculcated by what was called Jesuitism—a word used to frighten children with in the nursery. An hon. Gentleman opposite laughed; but he would ask him had he ever taken the trouble to inquire into the real history of the Jesuits? If he had done so, he would find that they were a body of the most learned men who had ever been united together in any country all over the world—men who had by their piety, learning, and various acts of charity in religion, done more for the spreading of the religion of Christianity all over the universe than the priests of all other religions put together—men who had traversed the deserts of Africa, had penetrated into the heart of China, and carried their labours into lands where it was certain death for them to be discovered. They were men who had devoted themselves most zealously and unshrinkingly to propagate that which they believed to be truth, and would be agreeable to their Divine Master. But the religion of these men, which it was attempted now to cry down and asperse in England, was the religion of their ancestors, in the most glorious days of English history. It was the religion of those who secured its best liberties for this country—the religion of those who obtained Magna Charta. It was a Roman Catholic archbishop who attached the first signature to that great charter of British liberty, and handed it then to the tyrant John to confirm it. It was by Roman Catholics that the battles of Agincourt and Cressy were fought and won. Their own Henrys and Edwards, too, were Catholics, at the most glorious epochs of English history. That history must be forgotten, certainly, by those who at the present day vituperated the Catholic religion. Did they recollect that it was Roman Catholics founded their Universities of Oxford and Cambridge?—that it was Catholics who founded that glorious temple which stood just outside the gates of that House—that it was Roman Catholics who had erected the splendid ecclesiastical edifices, whose ruins were spread all over the country? What had been done like these things by any of those who succeeded them? Who was it that had adorned their towns with churches, convents, and monasteries, from whence the poor had never been sent empty away, and until the destruction of which they never had a poor law in this country, nor had they ever wanted one? Could they forget all these things? But when he heard all the calumnies and false accusations which were heaped upon that religion, he considered he would be unworthy his place in that House if he did not come forward and remind them of those things, and refute all those unfounded and senseless calumnies. He knew that the imputations cast on the Roman Catholics and some of the doctrines attributed to them were scandalously false. He believed that there was not one single doctrine of the Roman Catholic Church which, if fairly and honestly examined, any Protestant in that House might not subscribe to, and that every doctrine of the Roman Catholic Church was supported by one or other of their own divines. He maintained that the man who denied that position was grossly ignorant of the Roman Catholic religion. He had never heard of any doctrines in his Church which were not maintained in their own Book of Common Prayer, and by some at least of their own own eminent divines. They might differ as to matters of detail or as to matters of form, but these things had nothing to do with real religion. It was misapprehension—it was gross and unfounded prejudice that prevented these things being generally known. It was the interest of certain parties to keep them divided; but in his conscience he believed, as an honest man, that in essentials there was less difference between the two Churches than was generally supposed, or than any man would believe who had not inquired into the facts. The Dissenters of this country might talk of the dreadful doctrines of the Church of Rome; but those were gentlemen who in nine cases out of ten had never read Roman Catholic works, who knew the

Roman Catholic religion from their nursery maids only, and who took certain things for granted merely because they had been told them. The mischievous, absurd, and dangerous appeals which had of late been made to the people of England upon that subject, had done more to alienate the affections of the Irish people, than all the acts of all the Governments within the last forty years. During the last six weeks there had been more done to widen the breach between the two countries than most men could believe; and the proceedings to which he was referring had made a deep impression on the people of Ireland. He regretted that from the bottom of his heart. The great question which they had then to decide was, whether they would vote with the prejudices of a portion of the English people, or whether they would vote for the great interests of the Empire. The sum was small; but they ought, if possible, to vote it by a large majority. The sum was nothing; but the principle was everything. He believed that if they passed that measure in a kindly spirit, they would be repaid tenfold in the love and gratitude of the Irish people. If they rejected it, they would add to the cup of bitterness in Ireland an ingredient more bitter than any that had ever proceeded from that House; and they could not, he would tell them, ever succeed in governing the people of Ireland by violence and force.

Mr. *Lawson* said, that he did not mean to make any reply to the observations of the hon. Baronet who had just sat down with respect to the Roman Catholic religion, because he thought that it would be much better not to enter into religious discussions in that House. He should take care that not a word which could offend the feelings of his Roman Catholic fellow subjects should fall from his lips. But he should, at the same time, feel it his duty to express his unqualified opposition to the measure then under the consideration of the House. He looked upon the Church of Ireland and the Church of England as one; and it was because he believed that if he were to vote in favour of that measure, he should be betraying the interests of the English no less than of the Irish Church, that he was decidedly hostile to the Bill. Since he had had the honour of a seat in that House, he had always voted against any grant to the College of Maynooth; and he did not see that difference between a smaller and a larger grant which some Gentlemen appeared to see, that could induce him to support the one, after having uniformly opposed the other. He did not object merely to a larger or to a smaller grant, but he objected to any grant whatever. His wish would be to have Maynooth opened as a collegiate establishment, in connexion with the new academical institutions. He had always supported the grant for education in Ireland; and he should not object to the grant to Maynooth if that establishment were to be thrown open to the laity as well as to the clergy. He did not oppose the grant the more or the less on account of its increase, because whatever they did with what he considered the poisoned cup, the ingredients would still continue the same. He should observe that in that part of the country with which he was connected, the general feeling both of Dissenters and of Churchmen was decidedly opposed to that measure. He did not wish to see the question made a subject of party or sectarian squabbles. He was anxious, on the contrary, that the Roman Catholics should be so educated that they might be able to meet Protestants in fair argument; and then let the truth prevail. As to a compact, he did not think that there had been any, even as regarded the minor grant; and as to a restitution, he should only observe that that was a very dangerous question to raise, for if a restitution were to take place, it might extend to very high quarters. He should conclude by thanking the House for the patience with which it had listened to his observations, and by stating that it would certainly be his duty to oppose the measure then before the House.

Mr. *Cholmondeley* said, that he was far from considering that measure as one of unalloyed good, and entirely free from any mixture of evil. He thought that it could not be unattended with some risk; but that risk he was willing to run for the good results which he believed would follow its passing; and he should, therefore, be prepared deliberately to give his vote in favour of the third reading of the Bill. With reference to the feelings of his constituents upon the subject, he should only observe, that he would not pay them the bad compliment of considering himself as their delegate, and not as their representative. It was his honest and conscientious belief, that in voting for the Motion before the House, he should be voting for a measure which would do much more good than harm; and which could not in any way endanger

the constitution of the Empire. It was said, that that measure would afford an undue encouragement of the Roman Catholic religion, and an undue discouragement of the Protestant religion; but he confessed that that was not his opinion. He did not close his eyes to what he believed to be the errors of the Roman Catholic religion, or the dangerous tendency of those errors; but he did not think that in supporting the present measure he would be doing anything which would be likely to extend those errors; for that measure had for its whole sole and special object the raising of the condition of the Irish priests; and by voting for it, therefore, he believed he would be so far from doing anything to propagate error, that he would be voting for what was far more calculated to diminish error than to extend it. He did not consider that by voting for that measure, he was binding himself in any way to vote for any ulterior measures which he might think calculated to affect in an injurious manner the interests of the Protestant religion in this country. He felt that very strongly; and he could not, he thought, too much insist upon the point. The measure involved no new principle; and was, in his opinion, purely financial. It had been urged, as an objection to it, that it had not succeeded in contenting the Repeal faction; but it appeared to him one of the greatest advantages of the measure, that it held out a sop to no party, but had been brought forward in a spirit of firmness and justice, at the sacrifice of personal popularity. Arguments might possibly be found against the measure; but he agreed with the right hon. Member for Newark in thinking that they applied chiefly to matters of detail, and therefore could not fairly be brought forward at this stage of the Bill. He did not regard the present as a religious question. There were, as had been observed, three ways of dealing with the subject—to leave the grant in its present state, to place it on a more enlarged footing, or to discontinue it altogether. If there were any prepared to recommend the latter course, he would join issue with them. No one would maintain, he apprehended, that the discontinuance of the grant must necessarily involve the discontinuance of the College, which would still subsist; the difference being, that those educated there would be brought up in hostility to this country. So few, however, were the advocates of this course, that it was unnecessary for him to dwell longer upon it; and the choice remained between allowing the College to remain in its present state, and amending it. He was not prepared to leave it as it was, and could conceive no better scheme for its amendment than that proposed by the Government; nor did he think that in supporting it he was violating any religious principle; for he agreed with the late Dr. Arnold, who said, "I have one great principle, which I never lose sight of—to insist strongly on the difference between Christian and anti-Christian, and to sink into nothing the difference between Christian and Christian." Would that those who declaimed so loudly on the beauty of Christian charity, would allow it to influence their conduct, and extend to others a little of that toleration which they so largely demanded for themselves! They were warned to beware lest they fostered the Roman Catholic religion in Ireland; but he denied that the measure before them would make one Roman Catholic more, or one Protestant less, in Ireland. He could conceive nothing better calculated to improve the Irish people than to raise the standard of the Irish priest. Another strong argument in favour of the Bill was the danger of throwing it out. If they turned out the present Government, what government could replace them? It must be a government pledged to oppose such a measure. The result of a refusal to pass the Bill, would be to stop all improvement in Ireland, in deference to what the practical good sense of the country would soon discover to have been a mere bugbear. He did not look upon it as a panacea for all the evils of Ireland, neither did he support it on the supposition that it would increase the Protestant interest in that country. He was no friend to proselytism; but the history of all reformations proved that the conversion must come from within the Church, and not from without; Luther was a Roman Catholic. Depend on it the great parent of error was ignorance. Let the measure only be received by Ireland in the same spirit as that in which it was conferred by England, and it could not fail of being an equal benefit to the country which bestowed and the country which received it.

Mr. *Ffolliott* was opposed to the Bill on

principle—not upon the question as to the amount of the grant. He had already voted against the smaller grant, and he held that there was a great difference between a mere annual grant and a premanent endowment secured by an Act of Parliament. The Protestant State of this country held and maintained that the principles of the Roman Catholic religion were erroneous and superstitious; and he could not but think that by passing this Bill they would adopt and endow that erroneous and superstitious religion, and raise it to an equality with that of the Established Church. He denied, in the most unqualified manner, that the Protestants of Ireland were favourable to this measure; and he was fortified in giving that denial by the petitions which had been laid on the Table of the House, and by the correspondence which he had had with the Protestants of that country. He had that night presented a petition against it from a parish in Tyrone, signed by 600 persons, who, he was informed by a letter, declared that they considered the First Lord of the Treasury as the enemy of Protestantism, and requested him to put on public record their utter detestation of the proposed measure. Before this fatal Bill passed, he hoped that at least there would be an inquiry into the system of education pursued at Maynooth. That system was described as antisocial and demoralizing; that the College was under the control and influence of the Jesuits; that the students were taught to hold allegiance to a foreign potentate, and to look to be absolved from the sanctity of any oath binding them to allegiance to the Sovereign of these realms. Those were the opinions believed in the country; let them, therefore, be shown by a public inquiry that they were unfounded. With much reluctance he must declare that he believed the measure would be most destructive to the best interests of the country, and for that reason he should support the Amendment.

Sir *D. Norreys* said, that as far as he could judge, he had scarcely ever known a measure more honestly introduced into Parliament, and more honestly supported than the present. On this question nothing could be more honourable than the conduct of those English Representatives who belonged to that party to which he had the honour to be attached. They had refrained from taking any party advantage which the occasion might have offered for the purpose of damaging the Government, and had determined to do that which was right for Ireland, even at the risk of jeopardizing their own seats in that House. The hon. Gentlemen opposite had also acted well towards Ireland. They had proposed a measure which they must have foreseen would not give them any immediate popularity; but they had proposed it, because they thought it right, in spite of all party considerations; and for this they deserved the greatest credit. It had been said, that there was no new principle contained in this measure; but he must say, that he thought the pledging the State in the irrevocable manner in which they were now doing, to supply a sufficient body of Catholic clergy for the Irish people — a clergy belonging to a religion which the majority of that House believed to be a religion of error—was a strong principle for the House to adopt; and he anticipated from this measure a speedy settlement of the Church question in Ireland. They had passed a great gulf. They had undertaken, on the part of the State, to educate a body of men who would maintain what the majority of that House considered to be a religion of error; and to go further, and support the clergy whom they had educated, appeared to him a change of so trifling an extent in principle, that it must follow in a very short time. If he looked upon the present measure as an isolated one, he should think the less highly of it, because he conceived that if they took the Roman Catholic priesthood, as at present, from the lower orders, and refined their minds by education, and then turned them out among the population in a position disgraceful for Christian ministers to be in, they would thereby render that priesthood more hostile to the Establishment, and more dangerous than at present. He had no right to assume what were the intentions of the right hon. Baronet opposite. It was not for him to say whether the right hon. Baronet intended to go further or not; but, when he saw a great foundation laid, he had a right to expect to see a vast edifice raised. In conclusion, he thanked the Government for the present measure, as well as for the measure respecting academical education in Ireland.

Mr. *Godson* said, that having presented petitions against this measure, he was anxious to explain why he could not support their prayer. Having, as a Member

of Parliament, supported the Established Church in Ireland by always voting against the appropriation principle, it also became his duty to consider what might be fairly done for the benefit of the Roman Catholic population of that country. If the present measure had stood alone, he should have given it his support; but he viewed it in connexion with the Bequests Acts, and the Bill for the establishment of Colleges in Ireland; and he hoped to see Ireland rendered peaceable by having this justice done it, and that then the Colleges might all be bound together in one University. It was said that the present measure was objectionable on account of its endowment of the Roman Catholic religion. But this was no new principle; at least, if it was new in Ireland, it was not new in our Colonies. By a Return to Parliament in 1839 (the last that had been made) it appeared that in the small island of Jamaica, the ecclesiastical establishment cost 36,610*l.* (of which sum 8,100*l.* was paid by this country for the bishop, archdeacon, and seven clergymen) for the Church of England. But the Assembly also paid out of the public revenue for the Church of Scotland 683*l.*; and for the Church of Rome 550*l.* There was also by the same return 500*l.* paid to the Wesleyan chapel; to the Baptist chapel, 600*l.*; and to the Jews' synagogue, 1,000*l.* Thus, the whole amount paid in one year out of the taxes collected in Jamaica was 31,843*l.* He found that in the same year (1838) there was expended in the different Colonies the sum of 168,242*l.*, of which 14,763*l.* was paid to the Roman Catholic clergymen; 14,763*l.* being nearly one-tenth of the whole amount. Such being the state of the case, how could it be made a point of conscience not to do in Ireland that which they were accustomed to do in the Colonies? He believed that Her Majesty's Ministers, who had wisely brought in the present measure, would find, the more it was inquired into and debated, that the outcry at first raised against it would gradually subside, and that the good sense of the English people would ultimately perceive that, what seemed alarming in the beginning, was not of a nature justly to excite apprehension. He conceived that the measure would place the Roman Catholic priesthood in a proper position, and enable them to attend to the moral welfare of their communities. In this respect it was a wise measure, and calculated to lead to peace; and he told those of his constituents and others who objected to the measure on the ground that it would extend the Roman Catholic Church and depress Protestantism, that it could not have that effect; but that it would lead to religious peace; and the consequence would be that they would see the day when all religious classes would be found living in harmony in Ireland, as they were in the different towns of England; the ministers of religion being solely occupied in attending to the discharge of their sacred functions. The Roman Catholic priest would then be what they must desire all spiritual guides to be — not subject, on account of his poverty, to his flock, whom he ought to guide and instruct, but rendered more independent of them, and therefore more useful to them; and under such circumstances they might then appropriately apply to him the beautiful lines of the poet:—

"And as a bird each fond endearment tries
To tempt its new-fledged offspring to the skies,
He tried each art, reprov'd each dull delay,
Allur'd to brighter worlds, and led the way."

Colonel *Rawdon* said: So many have been the speakers and so long the speeches, that till now I have had no opportunity of expressing the cordial concurrence of my Roman Catholic constituents and of the Roman Catholic Primate of all Ireland, who is one of them, with the measure now before us. Sir, I take this measure as an evidence of plain good intention—a principle which, Mr. Burke says, is of no mean force in the government of a people. I hail it as an attempt in part to efface the bitter recollection of bygone days, by the substitution of benign influence. And I think the Government is the more entitled to praise for the measure, because if we had urged it, the right hon. Baronet had a ready answer, and a perfect right to make use of it—that "you, the friends of Ireland, did not propose it." It is true we did not propose it—not because the necessity for it was not felt, but because from the state of parties then we could not have realized the proposition. And this reminds me of an expression used last night by the hon. and learned Member for Liskeard, which appeared to imply that in our support of the Minister, we somewhat lacked of grateful recollection towards those who had through bad and evil report fought the battle of Ireland. Sir, I beg he will not

include me in his list of the ungrateful. I feel all that is due to the noble Lord and his associates below me; and I am proud to follow them, and they will not find me, at all events, deserting their ranks, unless I perceive the interests of Ireland compel me to do so. Were I then to remain with them, I am sure they would be the first to undervalue such support. Now, Sir, let me briefly call back the recollection of the House from this extraneous matter to the view taken of this measure on its introduction by the Minister. The view he took was the common sense view. He showed you that the grant was inadequate for its purpose—that the principle had been repeatedly sanctioned—that the state of the institution of Maynooth was calculated to engender bitter feelings in the breasts of those who were hereafter to influence the minds of millions, and that it would be a better (and I may add, a safer) policy to withdraw all State connexion with the institution, than to continue such connexion in a manner discreditable to both. Sir, this was a plain unvarnished tale: the colouring of the picture was not heightened by any lines of eloquence. He spoke the words of truth and earnestness. He enunciated a fact — a plain—fact—which many of us here had long been acquainted with, and he proposes his remedy, and asks you to consent to it. Are you still prepared to say no? Are you blind to the state of Ireland? Are you deaf to thr authoritative voice which recommends this Bill? It comes to you supported by all the leading and practical Statesmen of the day. It comes to you in accordance with the opinions of the Prime Ministers of the last twenty years, five of whom are now alive. It is recommended to you by those who have filled the office of Secretary for Ireland for nearly the last half-century, with the exception of him, I believe, who was Secretary in 1805 (Lord Bexley); and there are fifteen of these Secretaries now living. I ask again, will you refuse to profit by their experience—will you not take counsel, but will you rather prefer servilely to do the bidding of those who have not the means of enlightenment which you possess? Will you not remember that you are Irish Legislators as well as English—that this is a question affecting Irishmen only, excepting the money part of it, which is common to both? Will you not remember that if England is Protestant, Ireland is Catholic? If you will not—if your notions of truth so unreasons you—if you are determined to prefer the prejudices of England to Imperial interests, on you, I say, shall rest the reponsibility. I refuse to share it. Sir, the hon. Member for Dorsetshire talked last night of our Protestant Constitution. What does this mean? Is not this House an essential element in that Constitution; and are not Roman Catholic Members here? Sir, the main safety of our Constitution is, that it is not a written one; its vitality comes from its elasticity. Thus you have Catholic institutions in Canada, and Presbyterianism in Scotland; and changes are made according to the spirit of each age, which hitherto have been adopted by the good sense of the people, in time to keep this Empire and its liberties in safety. Sir, that hon. Member made a significant allusion to what would be the spirit of the next Parliament, which I hope will not be lost upon the Prime Minister. He will see, if he wishes to preserve the Union, that he must ere long infuse largely of Irish spirit here, to preserve that Union from the attacks of the hon. Gentleman's Protestant pawns. Sir, the hon. Member for Dorset talks of the battle of the Boyne; and the hon. Member for Oxford talked, I recollect, of nailing his colour to the mast—terms militant, I must say, which apply but badly to a religion whose attribute is peace. The hon. Member for Birmingham says ridicule is not argument; but he must forgive me for saying, that it is hard to refrain from ridicule when he uses the *argumentum ad absurdum*. When, for instance, he conjures up the musty spirits of a Cavasurius to deter us from a practical and charitable act of legislation—and this, forsooth, he did when telling us that this House was no place for polemical discussion. But, Sir, I will leave him to enjoy that awful delusion under which the hon. Member for Liskeard told him he laboured. Now, Sir, I would wish to allude to the speech of the hon. Member for Honiton last night, a speech to which I listened with great attention and delight. The hon. Member for Honiton assures us that there is an increasing disposition on the part of the people of England to do entire justice to Ireland. I heard the sentiment, and the cheers which accompanied it, with great satisfaction; and I still cling to the hope; but honestly I confess to you that, day by day, this hope is becoming fainter. Sir, I have lately seen the Government of my noble Friend below me become weak and nearly powerless from its friendly disposition towards Ireland; and I have now

the spectacle of a hitherto all-powerful Minister struggling amidst the billows of anti-Catholic prejudice, and from which he can only be saved by the generous exertions and self-devotion of his political opponents. I see preparations making for a great struggle at the next general election. The religious sympathies of the English people are to be appealed to. Already the result is confidently predicted by the Member for Dorsetshire, to be a checkmate by the Protestant pawns of England to the liberal game on the Irish side of the board. This is the reason why I say my hope of justice for my country from you is becoming fainter. I say it with great reluctance. I see creeds drawing up in hostile array. I see Imperial legislators, men of great station in the ranks—I see them giving vent to their so-called Protestant, but which I must term antisocial effusions. I see them on their pinnacle of truth, regardless of prudential considerations, (and while they profess the kindest and most amiable motives,) proclaiming to their Roman Catholic fellow subjects that franchises municipal and parliamentary, that ameliorations in ecclesiastical arrangements, must be withheld as long as they continue under an "awful delusion." Now, Sir, in sadness I ask you, how is this to end? If the case were reversed, how would you end it? You would take the course that the spirit of freedom dictates to high spirited men. Is it wise thus to push matters? For God's sake, recollect that you represent Ireland as well as England, and, ere it be too late, I implore of you to learn to legislate on Irish matters with Irish feelings. I am convinced this is your only safe course. You must make up your minds, as we have before told you, and as the noble Lord the Member for Sunderland lately well repeated—you must make up your minds to legislate for Ireland as an Irish Parliament would legislate. Depend upon it, you cannot safely trifle with the state of Ireland. I know the depth of feeling that exists there; and I am here, in a really loyal and conservative spirit, to tell you that the same tone of debate which took place on the Catholic Emancipation Bill is unfitted to the time in which you live. If England is really thus to be arrayed against Ireland—if you are determined to resist this measure—if you are determined to persevere in this unhappy course—I tell you, in the words of Mr. Fox, "you should not presume to legislate for a people with whose wants, interests, opinions, affections, and prejudices you have no sympathy;" and, in the words of a noble Lord on your own side of the House, I shall be reluctantly constrained to tell my countrymen—"Leave England to her Protestant integrity, take your affairs in your own hands, and do the best you can for yourselves."

Mr. *Shaw* had so frequently experienced the indulgence of the House on former stages of the Bill, and the question had already been so fully discussed, that he would then trespass but shortly on their attention. He would endeavour to avoid ground which had been before debated, and apply himself principally to the features and circumstances of the measure which had been developed in the course of its progress; more particularly to their bearings and indications as regarded the general policy of the Government towards Ireland. The scheme had been originally put forward by its promoters as little more than an addition to the annual grant to Maynooth, and the execution of a compact entered into by the Irish Parliament in 1795; but that position had been abandoned — in fact, it was no longer tenable. Not to touch upon the arguments of the opponents of the measure, he would take, in proof of his assertion, a leading authority from amongst its advocates on each side of the House. His right hon. Friend the Member for Newark (Mr. Gladstone) described it as essentially a new measure, involving entirely new principles. The noble Lord the Member for London candidly and justly characterized it as differing both in degree and in kind from the relation which the State had previously borne to the College of Maynooth; and the noble Lord had correctly construed the Act of 1795, as an enabling Act to the Roman Catholics to found their own College, and to endow it from their own lands and money. It now appeared as if, when opportunity had been afforded to the Roman Catholics of Ireland to establish a College for their own priesthood, and that during the war, and while access to foreign education was peculiarly difficult, and even to the present day, Parliament kept propping up the system by annual contributions, so as to make that opportunity as ample and complete as possible; yet, that when the Roman Catholics of Ireland refused to avail themselves of it—not from want of liberality or of means, which never failed for objects

which they really desired to promote—the Government stepped in, as if determined to maintain the establishment at any cost, adopted it as their own, and, without regulation or restriction, placed it among the most favoured institutions of the country. He had before said that he doubted much whether, even upon the low ground of expediency taken by the supporters of the Bill, it would produce any real improvement in the College of Maynooth, unsupported, as he believed that institution would still be, by the Roman Catholic gentry of Ireland; while he himself would always rest his opposition on the principle, that by the permanent endowment of a seminary for the sole purpose of teaching the Roman Catholic religion within the limits of the United Kingdom, the Government were violating their solemn duty to the Crown and Constitution, which the fundamental laws under which England had reached its present eminence amongst the nations of the world required to be essentially Protestant. But to go to the policy of the measure as it affected Ireland. It was not its least evil, that it tended to unsettle all men's minds in Ireland. This was caused by the fears excited on one side—the hopes on the other—both possibly exaggerated — but still more, by the undefined promises and mysterious intimations with which the Government had introduced the Bill. He particularly alluded to the speech of the right hon. Baronet the Secretary of State for the Home Department. That right hon. Gentleman spoke of this being but the commencement of a new system—the laying of the foundation of an entirely altered policy towards Ireland. What, then, was that to be? The right hon. Baronet had ostentatiously apologized for an expression he had used about two years ago, and when he had been for about as many administering the affairs of Ireland, namely, that concession to the Roman Catholics of Ireland had reached its limits. It was at all times manly and right to retract words if they were used in haste, and calculated to convey an erroneous impression; but that should be done at the earliest opportunity, and where there could be no suspicion of a motive having subsequently arisen. Instead of which the right hon. Baronet had immediately after the use of the words fully explained them, and as he (Mr. Shaw) had thought most intelligibly—not that the Government would refuse to introduce any measure of practical improvement relating to Ireland, but that the Roman Catholics having been already placed on terms of equality in all civil matters with their Protestant fellow subjects, there remained nothing more to do in that direction by way of conciliation. What, then, were they to understand by the tardy and elaborate retraction of the right hon. Baronet (Sir J. Graham) after the lapse of two years from the time the words had been spoken and explained? There must be something more than met the eye. Was it that the right hon. Baronet (Sir J. Graham) desired to repudiate the policy which had been heretofore pursued by his right hon. Friend (Sir R. Peel)? The right hon. Baronet (Sir J. Graham) had laboured hard to show that the whole Irish policy of the present Government had been directed by himself, and a noble Lord a Member of the Cabinet, not then in that House, Lord Stanley. Did the right hon. Baronet (Sir J. Graham) wish those who had long acted with his (Mr. Shaw's) right hon. Friend the First Minister of the Crown, and well knew that his right hon. Friend's object had been to do equal justice, to administer the laws impartially, and to grant the same civil rights to all parties in that country—were they now—to understand that either the right hon. Baronet (Sir J. Graham) denied that such had been the policy of his right hon. Colleague (Sir R. Peel), or that something more than that was now to be done? Was it that the Roman Catholics of Ireland were to infer from these statements, that they were no longer to be content with civil, but also to expect a perfect religious equality in point of law with the members of the Established Church in that country? Then, indeed, instead of pouring oil, they would be casting a deadly strife upon the troubled waters of Irish agitation —a new Catholic question—fraught with a bitterer acrimony, a more inflamed animosity, more intensely exciting in the ratio of their relative importance as a religious Catholic question, than was the old political Catholic question by which their country had been so long distracted, and from which it was only then beginning to enjoy repose. God help that unhappy country! They had little cause to put their trust in man. They were beginning to hope that all these irritating questions had been settled.

Men of different religious creeds were coming together with a desire to co-operate in matters of national improvement and of common interest. But it would seem they were to be again driven into religious disputations and party contentions, as if it were their doom that peace or rest should never be permitted them; but that disunion and discord were to be their everlasting destiny. He had always deplored the announcement of his right hon. Friend the First Lord of the Treasury, that Ireland would be his difficulty. It had been well observed, that to believe anything difficult or impossible was the surest way to make it so. Such predictions, too, had always a tendency to their own fulfilment. They suggested weakness. They invited attack; and he (Mr. Shaw) verily believed that much of the annoyance and evil of the monster meetings and State prosecutions in Ireland was induced by that declaration. He confessed that for his own part, he had never regarded the policy pursued in respect of the monster meetings at first, or the State prosecutions after, a judicious one; but he would not dwell on that point then. There was one thing, however, which he was bold to affirm, and that was, that when his right hon. Friend (Sir R. Peel) came into office, there was no portion of his party more ready and anxious than the great majority of his Irish supporters to co-operate with him in a truly conciliatory course of Irish policy, tempering firmness, in the administration of the laws, with the utmost moderation; holding a perfectly equal balance between all parties, and preferring no man, in regard to civil office, on account of his religious creed. He was well aware that many, perhaps on his own side of the House even, would be disinclined to agree with him in that assertion. They themselves thought Ireland a great difficulty; they did not know it—they would not learn it—they pushed it from them, and lent too ready an ear to every injurious report affecting it. Still he made the assertion most sincerely and advisedly. There were few, perhaps, who would be so indisposed to admit as the right hon. Baronet the Secretary of State for the Home Department. It would be at variance with and upset his whole system of governing Ireland. He should have been very sorry, he should have felt hurt indeed, had his right hon. Friend (Sir R. Peel) attributed to him that he (Mr. Shaw) would have desired to see Ireland governed on what the right hon. Baronet (Sir J. Graham) had designated as the old principles of Protestant ascendancy. His right hon. Friend (Sir R. Peel) had really known his sentiments; and however it might be his misfortune to differ on any particular point from his right hon. Friend, even though they might be altogether divided on politics, or sit at different sides of the House—still he could never do otherwise than appreciate his right hon. Friend's good opinion, and entertain for him a feeling, his right hon. Friend must allow him to say, of affectionate esteem. He owned that he was comparatively indifferent to the opinion of the right hon. Baronet (Sir James Graham). His views of Irish policy were, of course, of very little importance to the right hon. Baronet. The right hon. Baronet had honoured him (Mr. Shaw) with the appellation of Friend, only sufficiently long to qualify him for, and give zest to the right hon. Baronet's subsequent sarcasm; but still he was at a loss to know upon what grounds the right hon. Baronet had a right to assume that he wished to see the old system of Protestant ascendancy restored. He had always been favourable to the removal of political disabilities from his Roman Catholic countrymen; he had not a seat in the House in 1829, but his father had lost his seat there a short time before for voting in favour of the Roman Catholic claims. He was sorry to trouble the House with matter personal to himself; but after the insinuations of the right hon. Baronet (Sir J. Graham), he not only desired to stand right with the House, but the whole policy of the government of Ireland was so completely drawn into question in the debates upon the present measure, that he trusted a short reference to it would not be considered out of place. It could scarcely have been from his conduct during the proceedings upon the Irish Corporation Bill—the only measure upon which he had had any great intercourse with the right hon. Baronet—that the right hon. Baronet could have supposed him influenced by the principles of Protestant ascendancy. He took the course he pursued in reference to that measure, because he thought it the right one. Still he was quite aware what would be the consequences—tha the settlement of the ques-

tion would smooth the way to office for the right hon. Baronet; and that the humble part he took in passing it would risk, as it had done, his own seat in that House, and lose him some of the earliest and dearest friendships of his life. It could scarcely have been during the discussions on the Irish Arms Bill, that the right hon. Baronet had discovered his (Mr. Shaw's) leanings to Protestant ascendancy—when he had warned the right hon. Baronet that much time, and trouble, and temper were expended upon a measure much more likely to be vexatious than useful; and he believed that there were few magistrates or other official persons who had since been engaged in the administration of that law, who would not now characterize that measure in the same manner. He had plainly told the right hon. Baronet what he thought—that under the right hon. Baronet's administration of Irish affairs, the so-called Irish Government was little more than a mockery, having, indeed, much of the responsibility, but none of the power of the Executive; and that the real and unpolitical business of Ireland was not permitted to be done out of the Home Office, and was neglected in it—necessarily it might be from the immense pressure of other business, but still in fact neglected; and he gladly seized the opportunity before his right hon. Friend the Secretary for Ireland (Sir T. Fremantle) entered upon his duties in that country, and before, therefore, it was possible the objection could assume anything of a character personal to his right hon. Friend, for whom he had the greatest regard, to assure his right hon. Friend (Sir T. Fremantle) that, while he might nominally be the Minister for that country, he would find himself really but a clerk to the Home Office. He might be right or wrong in that opinion; but at all events he could see nothing in it of Protestant ascendancy. The right hon. Baronet (Sir J. Graham) had enumerated several names of persons appointed to offices in Ireland, which could scarcely be held by other than local professional men, and would have that considered as a great compliment and boon to Irishmen; and the right hon. Baronet had selected the names according to his usual fashion, with a view of raising a cheer against his own Friends. When he (Mr. Shaw) had alluded to that subject, his objection was entirely a national, and in no degree a party one. He wished it to be neither personal to individuals, nor peculiar to Governments, whether Whig or Tory. He was a very young man when Mr. Canning was supposed to have nominated Lord Plunket to a second-rate judicial office in this country, and that the appointment was not completed in consequence of a general remonstrance against it from the English bar; and he confessed that from that day to this, he had never heard of the appointment of an English Chancellor to Ireland without blushing as an Irishman, and deploring, as he had stated on a former occasion, that party distractions had suppressed the spirit of a sound professional independence in that country. He, from his peculiar position, could make the observation with less possibility of the suspicion of a personal motive, than perhaps any other individual connected with the profession. If he chose to mention names—but he would rather avoid the invidious task—he could, without the slightest reference to religious or party distinctions, demonstrate to every Irishman on either side of the House, who knew anything of the profession in Ireland, the truth of what he had formerly stated, that professional appointments had been influenced rather by considerations of a spurious liberality, than by a regard to the character of the profession, or the interests of the Irish public. The right hon. Baronet (Sir James Graham) had mentioned one name in connexion with an inferior office; and that man having remained still in that inferior office was one proof that the principle he (Mr. Shaw) had been deprecating, was acted upon by the right hon. Baronet (Sir James Graham). That party was still to be played against party in that country, was illustrated in the very speech of the right hon. Baronet to which he was alluding, the right hon. Baronet crying out at one moment "Protestant ascendancy," to gain the cheers of the Roman Catholics; then "Conciliation Hall," as a bugbear wherewith to frighten the Protestants. It was not so easy to frighten or deceive them as the right hon. Baronet seemed to think. He had employed the simple language of truth, and not of threatening, when he declared that if the Government alarmed the Protestants of Ireland for the safety of their Church, they would raise a general spirit of discontent amongst them, without in the smallest degree conciliat-

ing the vast bodies which were swayed by the popular leaders in that country; and of the latter branch of the proposition the Government had since then been afforded abundant evidence. But upon that point he might have gone further; and in cautioning those who demanded the subversion of the Established Church in Ireland against adding strength to the cause of the Repealers, used not his own language, but that of authorities no way liable to be suspected either of tendencies to repeal on the one hand, or political partisanship with him (Mr. Shaw) on the other; one, a Roman Catholic of eminence—Mr. Blake, who gave his solemn evidence that the Protestant Church Establishment was the main link in the connexion between Great Britain and Ireland; another, Lord Plunket, the most distinguished advocate of the Roman Catholic claims, who, in his emphatic style, had told them that if ever the day arrived when the Parliament should lay its hands upon the property of the Irish Established Church, or rob it of its rights, that the same moment would seal the doom of the Union, and terminate the connexion between the two countries. On this point the Government would do well to reflect upon one fact, and it was this—the overwhelming majority of those who had voted on that measure, for and against it, whose votes were influenced by the conviction that the measure, as proposed by the Government, was caculated to injure the Established Church in Ireland. Depend upon it, destroy the Irish branch of that Church, and the English would not long survive it. One word more of warning, and he was done. Let the junction of voluntaries and latitudinarians succeed in severing the Protestant Establishments of religion in the United Kingdom from the State, and with the connexion would perish the character, the happiness, and the prosperity of this great country.

Mr *Milnes Gaskell* denied that the present Government, or their supporters, were liable to any charge of inconsistency for the course which they had pursued upon this Bill. He saw that the right hon. Gentleman the Member for Edinburgh (Mr. Macaulay) entertained a different opinion; but he (Mr. Gaskell) must venture to dissent from it. For himself, at least, he could most truly say that no vote which he had ever given in that House had been actuated by a spirit of intolerance or unkindness towards his Roman Catholic fellow subjects. It was true, indeed, that he had opposed the Irish policy of the late Administration; but he had done so from no feeling of hostility to the Catholics, but because he had believed—whether rightly or wrongly was not now the question—that the direct tendency of that policy was to increase the power of the democratic leaders in Ireland; and because he had felt persuaded that that power would not be exercised for the real benefit of the people. He had never impugned the motives of those from whom he differed in opinion, and only claimed for himself the credit which he gave to others. He would now shortly state, with the permission of the House, the grounds of his assent to this proposal. In the first place, he avowed at once that that assent was not founded upon any compact, either expressed or implied, which might have been entered into by the Legislature of this country at the period of the Union. He believed that there had been such a compact—he believed that the spirit of that compact was still binding upon the Legislature—but his vote was mainly founded on other considerations; and he should be perfectly ready to support this Bill in the absence of any such engagement. Now, what were the main facts of the case with which the Government and Parliament had to deal? No man disputed that the great majority of the people of Ireland were of the Roman Catholic persuasion: no man, he believed, disputed that they were likely to remain so. Undoubtedly, if the proportion of Protestants and Roman Catholics could be regulated by the mere expression of a wish, the great majority of that House would much prefer that the present numbers should be inverted, and that the religion of the minority should be the prevailing, as well as the established faith. But the question was not what they might desire—not even what they would do—if Ireland were a "*tabula rasa*" on which they were free to mould and model whatever scheme of ecclesiastical polity they preferred, but what was the actual condition of affairs? and what was it likely to remain for any period of legislation which that House could contemplate? Surely, it was not the part of wise and prudent men to discuss this question as if the Roman Catholics of Ireland were only a small minority of the population—a mere sect dissenting from the Established Church. And if Parliament felt a real desire to im-

prove the character and elevate the condition of the people, he (Mr. Gaskell) was at a loss to understand how Gentlemen could hope to effect that object so long as they shut their eyes to that which constituted the main feature of the question—namely, to the fact that the great majority of the people did not belong to the Established Church. He owned he did not see how it was possible to obtain access to that great majority of the people, except through the ministers of their own persuasion; and therefore he would improve Maynooth as the only practicable means of improving the education of the people. Then, no man would dispute that all the weight which attached to the influence of great names was in favour of this measure—that the course of authority ran in one uniform stream upon this subject—that every public man, without exception, who had been a guide or an ornament to the last generation, had expressed opinions that would have carried him still further than this Bill. No man would dispute this, as regarded the most distinguished of those who had sat upon the benches opposite — the great Whig leaders from Mr. Fox downwards; but it was equally true of Mr. Burke, Mr. Windham, and Lord Grenville—of the great Tory Minister, Mr. Pitt, and the most illustrious of his immediate disciples and followers, Mr. Canning. It was just forty years ago, a few months only before his death, that Mr. Pitt had expressed the following opinion. He said—

"His idea had been not to apply tests to the religious tenets of the Catholics, but tests applicable to what was the source and foundation of the evil; to render the priests, instead of making them the instruments of poisoning the minds of the people, dependent in some sort upon the Government, and thus links, as it were, between the Government and the people. That would have been a wise and a comprehensive system; that would have been the system which he should have felt it to be his wish, and thought it to have been his duty, to have proposed."

In a debate upon the Catholic question, two years before his death, Mr. Canning had expressed a similar opinion. On the 21st of April, 1825, in referring to a proposal which had been made some time before by the noble Lord the Member for South Lancashire (Lord F. Egerton), Mr. Canning said—

"That with respect to the principle of that measure, it was one which had been in contemplation long ago—in the time of Mr. Pitt; that it had, therefore, authority which he highly respected in its favour; and that nothing which he had heard in the course of the debate had altered that favourable impression. The objection that the Protestant part of the community would thus be taxed in order to raise the funds in question, might be met by asking whether the Catholics did not contribute to the taxes out of which the *Regium Donum* to a portion of the Dissenting Protestant Church in Ireland was yearly paid."

He (Mr. Gaskell) would only trouble the House with one more extract. It was a short passage contained in a letter from Mr. Burke to the father of the right hon. and learned Gentleman below him, the Attorney General for Ireland; and no man, he apprehended, even at Exeter Hall, would venture to charge Mr. Burke with having been an insincere Protestant or a latitudinarian. Mr. Burke said—

"His humble and decided opinion was, that the three religions prevalent more or less in various parts of these islands, ought all, in subordination to the legal establishments, to be countenanced, protected, cherished; and that in Ireland, particularly, the Roman Catholic religion should be upheld in high respect and veneration, and should be provided with the means of making it a blessing to the people who profess it; that it ought to be cherished as a good, not tolerated as an inevitable evil"

Such had been the doctrine held by Mr. Burke; and in his (Mr. Gaskell's) opinion, it was most important that the people of this country should be disabused of the impression that this was a contest between rival creeds; and that they should be reminded of the views which had been entertained by those illustrious men to whose authority, in their cooler moments, they were most wont to look with affection and respect. He knew that no argument, whether derived from compact, from authority, or from considerations of general policy, had any force when addressed to those who objected to this measure on religious grounds, and who were represented in that House by his hon. Friend the Member for Kent (Mr. Plumptre), and those who thought with him. He (Mr. Gaskell) had every respect for the motives of those Gentlemen; his only surprise was, not that they should be opposed to this grant, but that they should have consented to retain their seats in that House after the admission of Roman Catholic Gentlemen to seats in Parliament. But he understood their arguments; though he agreed with his hon. and learned Friend the Member for Liskeard (Mr. C. Buller) in thinking that they had greater weight

when directed against the Act of Union, and the Act of Emancipation, than against the Bill which was now before the House. He confessed, however, that he had never been able to understand upon what principle Gentlemen who had contentedly acquiesced in the former grant, had taken such umbrage at the increase that was now proposed. Surely, if 9,000*l.* had been the sum voted by an exclusive Protestant Parliament in 1795—if a Parliament constituted with the precise object of excluding three-fourths of the population had been the parties to originate this grant, the Parliament of the United Kingdom, which had removed all civil disabilities from the Catholics, could hardly object, upon the score of principle, to make it more commensurate with the altered circumstances of Ireland. The language, indeed, that was used upon this subject out of doors would make men suppose that the people of this country were called upon to abandon their own religion, instead of only to suffer others to be instructed in theirs. This Bill did not seek to violate the conscience of any man—it did not take one shilling from the Established Church—it did not deprive the Established Church of one single privilege or immunity—it only asked the people of England not to grudge the additional expenditure of a few thousand pounds for an object which for fifty years their Representatives had sanctioned—it asked them to remember that they were not the only parties who were called upon to pay taxes—and it asked them to allow the people of Ireland to receive back from a common fund a small portion of what they had themselves contributed. He owned that, for one, he deeply regretted the invectives that were so often uttered against the religion of the Catholics. He was satisfied that if they wished to promote the growth of Protestantism in Ireland, they could not take a course more likely to defeat that object than the one of marking upon all occasions that they entertained feelings of distrust and of hostility towards the religion of the Irish people. He was convinced that so far from weakening its hold upon their affections by such means, they would be taking the surest course to rivet and confirm it. He wished that ministers of religion in this country, whether those who represented what he believed to be a minority of the Established Church, or those who represented what he feared was a great majority of the Dissenting body, would cease to anathematize so large a portion of their fellow Christians; that they would look more to their points of agreement with the Catholics, and less to those of difference—remembering that they were both worshippers of the same God, and ought to perform the duties of fellow countrymen and fellow subjects, without the heart-burnings and the jealousies which had so unhappily been evoked and fostered on this occasion.

"Carior est Divis homo quam sibi,"

was a lesson taught by the great heathen satirist; and, in his (Mr. Gaskell's) opinion, it was one by which many of the petitioners against this Bill would do well to profit. But, above all, he trusted that whatever might be the conduct of other parties, the Members of that House would at least discharge their duty without favour and without fear; that they would labour, with whatever temporary ill success, to "knit together the hearts and minds of all descriptions of men within these realms." He trusted they would recollect that they were not sent to that House to re-echo the fleeting wishes or prejudices of their constituents, much less the angry passions of polemics, but the real and enduring interests of this great Empire. He (Mr. Gaskell) believed that the right hon. Baronet at the head of the Government was making a great attempt to combine two objects which had hitherto been disunited in the policy of former Governments—a fixed determination to uphold and vindicate the law, together with an equal determination not to withhold measures of just conciliation from the Irish people. In the pursuit of the former object the right hon. Baronet had been supported by a large majority of that House. He (Mr. Gaskell) trusted that in the pursuit of the second, he would be equally successful. He trusted they would not proclaim to the people of Ireland that such was the bitterness of religious discord in this country that the attempt to combine both those objects must prove abortive, and that no minister could hope to retain the confidence of a great party, unless he was prepared to govern Ireland on principles of intolerance and proscription. It was said that this Bill would not satisfy the hon. and learned Member for Cork (Mr. O'Connell) and others, but only prove the parent of fresh demands. He (Mr. Gaskell) had no expectation, he had not even the wish that it should satisfy those whose undisguised and avowed aim was the dismemberment of the Empire. But such, as he

understood it, was not the object of the right hon. Gentleman. The right hon. Gentleman sought only to conciliate and to attach the moderate and reflecting portion of the Roman Catholic body, whose co-operation and support were of such immense importance to the cause of peace and good government in Ireland. If he (Sir R. Peel) should be successful in that object, he would be amply compensated for all the obloquy, all the clamour, and all the misrepresentation to which he had been exposed. In conclusion, he (Mr. Gaskell) would remind the House that this was not one of those extorted concessions, whose fruits were so often bitter, and which contained within themselves the seeds of so much future discontent. It was an act of grace and justice brought forward by Her Majesty's Ministers in the spirit and in the hope of peace. He trusted that that House would take advantage of the opportunity which was thus afforded them—that they would make this concession willingly, and make it now—that in the beautiful language of Mr. Canning, they might at least make this glorious moment irrevocably their own :—

> ———"Non tamen irritum
> Quodcunque retro est efficiet, neque
> Diffinget infectumque reddet
> Quod fugiens semel hora vexit."

Mr. *Bellew* rose, as a Catholic Member, principally to express his opinion on the Irish Church question. He entertained great respect for that portion of the population of Ireland who were Protestants. Though they constituted numerically a comparatively small proportion of the population, they were generally well educated; they occupied respectable positions in society; and from these circumstances they had attained much greater weight in the country than, in the proper order of things, they were entitled to. But he believed that an act of spoliation with respect to church property in Ireland had been committed in its being originally wrested from the Catholics. He considered also that, if that property were now taken altogether from the Protestants, another act of spoliation would be committed; but he believed it was matter of certainty that before many years elapsed some adjustment of that property must take place. He regarded the Bill now before the House as a most important step in that series of measures which were necessary to conciliate and tranquillize Ireland, and to promote the prosperity of this kingdom. By this measure they would carry to every farmhouse in Ireland a conviction of the care of the State for the clergy of the Catholic Church. Every man in Ireland who had a friend or a relative at Maynooth would feel that his religion was no longer proscribed, but that it held a place in the care and attention of the State. Indeed, he could not conceive any single measure which would be more satisfactory to the whole mass of the Catholic population. In the course of the debate on this Bill, some taunts had been thrown out against the religion of Roman Catholics. He considered that attacks of that kind, in a House where the proportion of Protestant Members as compared with Catholics was twenty to one, were most ungracious; and he would venture to say that those charges were unfounded. The Government, in proposing measures of this nature, would undoubtedly have to encounter much violent opposition; but he could assure them they would carry with them the feelings of a large and most important interest in Ireland, as well as in this country and in Scotland; and they would eventually find that, in pursuing their present policy, they had adopted that course which was most advantageous to the interests of the Empire.

Sir *R. H. Inglis* said, that in the whole course of the hundred hours' debate which had taken place upon this subject, there was scarcely one single point which remained undiscussed. Having already experienced the indulgence of the House, he should not ask their attention to-night if he had not felt that when there were calls for a division, it would not perhaps be deemed unbecoming, as he had taken a prominent part in this discussion from the beginning, if he then rose for the purpose of preventing this question from coming to a final division without endeavouring, for the last time, to recall to the attention of the House some of those views to which their attention had indeed been already directed. No man now contended, as it was contended by some hon. Members in an earlier part of this discussion, that there was any compact, direct or implied, entered into in relation to this grant, by which the nation was bound to maintain the College of Maynooth, and still less to increase the grant as it was now proposed. His right hon. Friend at the commencement of the discussion had stated, that there were three courses open to them; one of which was, the abandonment of the College alto-

gether; and no person could, therefore, contend that they were bound to maintain that which they were at liberty to abandon. Some hon. Members called such a measure as this policy, others expediency; but by whatever name it might be called—take it even as charity, as it had been characterized by his right hon. Friend the Secretary for Ireland—take it as fear, as it was described by the hon. and gallant Member for Marylebone—call it sympathy with the great majority of the people of Ireland, or as a moral obligation, which they were told had induced Her Majesty's Ministers to propose it, and which should induce this House to acquiesce in it—take it in any shape—he could not change that opinion which in the first instance he had expressed upon the subject. He thought that, while this measure would have the effect of alienating the affections of the Protestants of Ireland, it would fatally fail in conciliating the Roman Catholics of that country. He knew he might be told that he had no right to assume that the majority of the Protestants of Ireland, and, still less, of the Empire, was opposed to the measure; and that the opposition to it in England was only that of a few Dissenters, and a small proportion of the members of the the Established Church. He, however, believed that the great mass of the people of England was directly opposed to the measure; and that, so far from its conciliating the Roman Catholics of Ireland, they will consider it as one which ought to be rejected by them as an insult, while it would have the effect of arousing the Protestant feeling of that country. They talked of exciting creed against creed; but whose fault was that? Who had originated the discussion? They would raise a Protestant feeling in Ireland which had slumbered for a time, and which might never have been evoked except by a measure like this; which had enkindled again a flame which was smouldering in its own ashes, but which might now break out to a degree of intensity which no man could pretend to measure the violence of. He was aware that there had not been in the present instance such large assemblies of the clergy of the Church of England, acting in their corporate capacity, as on former occasions, in reference to Roman Catholic Emancipation; but he had himself presented a large number of parochial petitions, out of which, so far as he could recollect, there had been only one in which the name of the minister, the rector, or vicar, was not the first signature inscribed. He had presented a large number from archdeaconries and deaneries in this country; and so far from its being correct that the clergy of the Church of England were lukewarm on this subject, if any one took the trouble to examine the list of Parliamentary Petitions, it would be found that the clergy of the Church of England were always to be found occupied, and assisting their congregations in resisting every measure which they considered contrary to the truth and the maintenance of that religion which was committed to their charge. But they were told that they should not be united with their Dissenting brethren on such a measure as this. He, however, for one, was not ashamed, and never would be ashamed, of that which constituted his common designation with them — Protestantism. On that he relied. He would not suffer it to be said, without a direct contradiction from himself, that Protestantism was something vague and indefinite—something of a negative character. He knew what it was considered in the understandings of the great body of the people. It was held to be the restoration and revival of the truth of the Gospel which took place three centuries ago. On such revival the great body of the people rested their hopes of salvation; and their faith was held sacred to them by the lives, the sufferings, and the deaths of martyrs three centuries ago. And no man who knew the value of this religion, and the comforts of it to his conscience, could fail to recognise the sufficient grounds which they had for that anxiety which was now manifested when these truths were in jeopardy. He had been individually attacked with presumption for the course he had taken. The hon. and learned Member for Bath had attacked him as being guilty of great and grievous presumption, to say that he would not pay any man for preaching anything which he did not believe to be true; as if whatever he believed, and nothing else, were true. The learned Doctor opposite, also, in a tone of exultation, attacked him as if he had assumed a position that was unbecoming him or any man in that House. He, however, would not do that learned Gentleman the injustice of supposing that, if they had understood each other, he would then make it a matter of reproach to him and others, that that religion which he would not teach to his own child he would be willing to have taught

to strangers, even in the extreme parts of the world. If he believed this religion to be false, he would not teach it to his child; and if he believed it to be false, he must not encourage the teaching of it to strangers. He had great respect for conscientious persons who differed from him in opinion; but he would not, out of such a respect for the opinions of others, suffer himself to be led into a compromise of the oath which he had taken at the Table of the House for the preservation of the Protestant religion as by law established. As Christianity was part and parcel of the law of England, so the Church of England was a part of the Constitution. It was not one of many sects tolerated; it was the truth, which the State, as such, recognised. If so, the present Bill was a Bill for the teaching of error—of error declared to be such by the State at the Reformation. So much for the conduct of the nation. Then as to the conduct of individuals: he had already replied, in reference to the taunt, that he would never voluntarily be a party to the inculcation of anything which he did not himself believe. In reply to another taunt from another quarter, namely, "how could he, then, ask other members to vote for Church extension, in support of an Establishment to which they might individually be opposed, when he himself refused to grant anything in aid of their teaching?"—he had to this also already adverted. He supported the Church of England, because he believed it to be the truth; but he held all other Englishmen bound to support it by public money, if needful, because it was a national establishment, which, like all other national establishments, must be supported in full efficiency at the national expense. [*A cry of* "Question."] He was sorry to detain the House, but he had been taken somewhat by surprise to-night. Indeed, a quarter of an hour before, he had not the slightest idea that he should have been called on to take the part which he had to-night taken in this debate. But he was impressed with the idea that, however unworthily he had opposed the measure already by his vote, he was imperatively called upon to re-assert his principles in this last stage of their proceedings, and could not consistently avoid resisting the Bill once more with his voice. He could not conceal from himself a conviction that the position of his right hon. Friend at the head of the Government was one of the most singular responsibility. He had become responsible, by the part which he had taken, for every measure which had emanated from the Legislature for the last quarter of a century, whether it were for good or for evil, with the exception of the Reform Bill and its corollary, the Municipal Reform Act. Everything which had been done by the Legislature for at least the last twenty years, had been effected either by him as a Minister, or through his active interference even when in general opposition; and the merit or demerit of each measure must belong to his right hon. Friend, including the Acts which passed for the great reforms effected in the Common Law, the results of the Ecclesiastical Commission, and the consequent reforms which took place in the Church. The Poor Law—["Hear!"] He replied to that ironical cheer, that he was not there either to praise or to blame those measures, but only to argue from their importance how great and awful was the political responsibility of his right hon. Friend. Alluding to the vast power which his right hon. Friend wielded, he would ask whether it would have been possible for the Whig Government to have carried any of their measures if it had not been for the intervention of his right hon. Friend?—he meant that sort of intervention which rendered him responsible for the success of the particular measure. Recalling to his recollection the memorable protest of the Duke of Wellington, in the other House, against the measure for the annexation and union of the two Legislatures of Upper and Lower Canada, he would ask whether, if his right hon. Friend had acted with his party and the Duke of Wellington, that measure would ever have been carried? The same observation might be applied to the sanction which his right hon. Friend had given to one memorable provision of the Municipal Reform Bill, even against his own party in the House of Lords; he meant, the Lords' provision for continuing to aldermen their offices for life, and thus preventing the now annual election. He would still remind them of the awful power his right hon. Friend exercised in those respects—a power never exceeded, perhaps never equalled, by any Minister before him. Who else could ever have expected to carry the measure now before the House? Could his noble Friend the Member for London, who possessed, perhaps, more generally the personal confidence of those around him than any other

leading man of the day, have proposed such a measure without a certainty of being defeated? In immediate reference to the religious character of this measure, the great distinction he would observe in the present time as compared with the past was this—that there was a marked encouragement to the Church of Rome displayed by the present Government whenever it had it in its power to bestow it, whether at home or abroad—["at Oxford!"] The opinions of the University of Oxford were only to be taken from the decrees pronounced in Convocation. There had appeared in the Paper of their proceedings a Notice of a Bill which he had thought had passed that House some years ago—a Bill with the title of "Roman Catholic Relief Bill." He had thought that in the year 1829 the Roman Catholic Relief Bill had passed into a law. The object of the present Bill was to repeal the Protective and Conservative portions of the Bill of 1829; and to legalize the introduction of monasteries and monastic orders. The Bill had been brought in without any opposition from the Government, and had now been nearly three months on the Table of the House. He regretted to say that the Roman Catholic Church was receiving the most direct encouragement, both at home and abroad. In the year 1797, a University was established in the province of Canada, for the purpose of maintaining the Protestant Church there established; and, in support of that University, 222,973 acres of land were granted. [*A laugh.*] He hardly knew whether the laugh of the hon. Member for Kerry were directed against the credulity of those who supposed that such a grant could have been made with a *bonâ fide* intention of continuing it, or whether it were meant as a mark of contempt for those who believed that the Government would be willing to continue it. But, however, that might be, Her Majesty's Government had taken the advice of the hon. Member, or perhaps the advice of his great namesake in religion and in policy, and they had, through their Governor General in Canada, brought in a Bill for taking from that Protestant University that property which was vested in it by their predecessors for the permanent support of the Church of England in Canada; and by a majority of eleven they had recently decided that the property should be transferred from the Protestant Church University, to a University the distinguishing feature of which was that there should be no religious instruction, test, or tenet in that University. Was he not justified in saying that, abroad and in England, and, also, as the present measure indicated, in Ireland, there was a systematic discouragement of the Protestant Church of England, and an encouragement of that rival Church from which the Church of England came forth? Believing that the present measure was only part of a great scheme to carry out that principle, he had opposed it even more than he should have done had he regarded it as a single insulated measure. Other Members of the Government had allowed themselves to say that this was an instalment of the debt already due; but so long as the right hon. Baronet at the head of Her Majesty's Government did not say that it was an instalment, that it was not the commencement of a new system, he should indulge the hope that, however bad the measure might be in itself, it was not necessarily and on principle foreseen to be bad in its consequences. If, indeed, he looked to no other consequences than the excitement which this measure had produced, he felt certain that no Minister would venture in the present generation the introduction of any ulterior measures having for their object the endowment of the Roman Catholic Church in Ireland. It had been said that England was no longer to be regarded as an exclusively Protestant country; but so long as the Declaration, which the Sovereign of England was required to make as the first act of the Reign, remained unaltered and unrepealed, England would not cease to be, in the person of Her Sovereign, the great organ of protesting against the doctrines of the Church of Rome in Europe. He, therefore, heard with regret the remarks which had fallen from his right hon. Friend the Secretary for the Home Department the other night on the subject of this Declaration. No words could fall from the right hon. Baronet on such a subject to which the Protestants of England would not look with deep and anxious attention. They would draw from a slight whisper on his part conclusions unfavourable to the maintenance of this security for the integrity of the Protestantism of the Constitution. He trusted that no encouragement would be given to any qualification of that Declaration; and that they would not compromise in the slightest degree that great security which the people of England had in the Protestant

character of its Sovereign; and that nothing would be done calculated to violate the remaining securities of the Protestant Constitution. Believing that this measure was bad in itself, he should continue to give it the same full and determined opposition which he gave to it when it was first announced on the part of Her Majesty's Government.

Colonel *Verner* moved the adjournment of the debate.

The House divided:—Ayes 106; Noes 180: Majority 74.

List of the AYES.

Acton, Col.
Allix, J. P.
Archbold, R.
Archdall, Capt. M.
Bankes, G.
Bateson, T.
Barnard, Visct.
Blackstone, W. S.
Blewitt, R. J.
Boyd, J.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Browne W.
Bruce, C. L. C.
Bruges, W. H. L.
Buckley, E.
Buller, Sir J. Y.
Butler, P. S.
Chetwode, Sir J.
Cole, H. A.
Colquhoun, J. C.
Connolly, Col.
Cowper, W. F.
Craig, W. G.
Crawford, W. S.
Curteis, H. B.
Darby, G.
Dawson, T. V.
D'Eyncourt, C. T.
Dickinson, F. H.
Douglas, J. D. S.
Duncombe, T.
Dundas, Adm.
Ebrington, Visct.
Etwall, R.
Feilden, W.
Filmer, Sir E.
Fleetwood, Sir P. H.
Forman, T. S.
Fox. S. L.
Goring, C.
Grey, Sir G.
Grimsditch, T.
Grogan, E.
Hamilton, J. H.
Hamilton, G. A.
Hempden, R.
Hanmer, Sir J.
Hawes, B.
Heathcoat, J.
Henley, J. W.
Hindley, C.
Hobhouse, Sir J.
Howard, Sir R.
Hughes, W. B.
Inglis, Sir R. H.
Jervis, J.
Johnson, Gen.
Jolliffe, Sir W. G. H.
Kirk, P.
Labouchere, H.
Law, C. E.
Layard, Capt.
Lefroy, A.
Loftus, Visct.
Lopes, Sir R.
Lowther, Col.
Maclean, D.
M'Taggart, Sir J.
Manners, Lord J.
Masterman, J.
Matheson, J.
Maxwell, J. P.
Milnes, R. M.
Morris, D.
Muntz, G. F.
Murphy, F. S.
Neeld, J.
Newport, Visct.
O'Brien, J.
Palmer, G.
Palmerston, Visct.
Plumptre, J. P.
Protheroe, E.
Rashleigh, W.
Russell, Lord J.
Ryder, G. D.
Seymour, Lord
Shaw, H. F.
Shelburne, Earl of
Smith, A.
Smyth, Sir H.
Somers, J. P.
Somerville, Sir W. M.
Spooner, R.
Spry, Sir S. T.
Tancred, H. W.
Taylor, E.
Tollemache, J.
Tyrell Sir J. T.
Vane, Lord H.
Vyvian, Sir R. R.
Waddington, H. S.
White, S.
Wyse, T.

TELLERS.
Verner, Col.
Ffolliott, J.

List of the NOES.

Acheson, Visct.
Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Ainsworth, P.
Aldam, W.
Arkwright, G.
Arundel, Earl of
Austen, Col.
Baillie, Col.
Baine, W.
Baird, W.
Bannerman, A.
Barclay, D.
Barkly, H.
Baring, T.
Baring, W. B.
Beckett, W.
Bell, J.
Bellew, R. M.
Blake, Sir V.
Blakemore, R.
Bodkin, W. H.
Boldero, H. G.
Bowles, Adm.
Bowring, Dr.
Brisco, M.
Bruce, Lord E.
Buller, E.
Cardwell, E.
Carew, W. H. P.
Cavendish, C. C.
Chapman, B.
Childers, J. W.
Clay, Sir W.
Clayton, R. R.
Clerk, Sir G.
Clive, Visct.
Clive, R. H.
Cobden, R.
Cockburn, Sir G.
Colborne, Sir G.
Colebrooke, Sir T. E.
Collett, J.
Collins, W.
Colvile, C. R.
Compton, H. C.
Corbally, M. E.
Corry, H.
Courtenay, Lord
Cripps, W.
Davies, D. A. S.
Deedes, W.
Denison, W. J.
Dennistoun, J.
Douro, Marq. of
Drummond, H. H.
Duncan, Visct.
Duncan, G.
Du Pre, C. G.
Entwisle, W.
Escott, B.
Esmonde, Sir T.
Farnham, E. B.
Ferguson, Col.
Ferguson, Sir R. A.
Fitzroy, H.
Flower, Sir J.
Forbes, W.
Forster, M.
Fremantle, Sir T.
Gardner, J. D.
Gaskell, J. M.
Gibson, T. M.
Gill, T.
Glynne, Sir S. R.
Gordon, Capt.
Gore, M.
Gore, R.
Graham, Sir J.
Granby, Marq. of
Granger, T. C.
Greene, T.
Hale, R. B.
Halford, Sir H.
Hamilton, W. J.
Hamilton, Lord C.
Harris, Capt.
Hastie, A.
Hatton, Capt. V.
Heneage, E.
Herbert, S.
Heron, Sir R.
Hervey, Lord A.
Hinde, J. H.
Hollond, R.
Hope, C.
Horsman, E.
Howard, C. W. G.
Howard, E. G. G.
Hume, J.
Hutt, W.
Ingestre, Visct.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Lambton, H.
Lemon, Sir C.
Lennox, Lord A.
Lincoln, Earl of
Listowel, Earl of
Mackenzie, W. F.
Mackinnon, W. A.
Macnamara, Major
M'Geachy, F. A.
M'Neill, D.
Mahon, Visct.
Martin, J.
Martin, C. W.
Martin, T. B.

Mitcalfe, H.	Stanley, E.
Mitchell, T. A.	Stansfield, W. R. C
Morgan, C.	Stanton, W. H.
Morison, Gen.	Staunton, Sir G. T.
Murray, A.	Stewart, J.
Neville, R.	Stuart, W. V.
O'Connell, M. J.	Stuart, H.
O'Connor Don, The	Strutt, E.
Oswald, J.	Sutton, H. M.
Parker, J.	Thesiger, Sir F.
Peel, Sir R.	Townley, J.
Peel, J.	Trelawny, J. S.
Pennant, Col.	Trench, Sir F. W.
Philips, G. R.	Tuite, H. M.
Philips, M.	Turner, E.
Pigot, D.	Walker, R.
Pigot, Sir R.	Wall, C. B.
Polhill, F.	Warburton, H.
Power, J.	Watson, W. H.
Praed, W. T.	Wawn, J. T.
Rawdon, Col.	Wemyss, Capt.
Redington, T. N.	Westenra, J.
Reid, Sir J. R.	Whitmore, T. C.
Repton, G. W. J.	Williams, W.
Rice, E. R.	Wilshere, W.
Roche, E. B.	Worsley, Lord
Russell, C.	Wortley, J. S.
Sandon, Visct.	Yorke, H. R.
Sheil, R. L.	
Sheridan, R. B.	TELLERS.
Smith, B.	Young, J.
Smith, T. B. C.	Baring, H.

On the original Question being again put,

Mr. *Wyse* expressed a hope that the hon. and gallant Member who had moved the adjournment would persist in his Motion.

Colonel *Verner* said, as several hon. Members, who were under the impression that no division would take place that night, had left the house, he would persevere in his motion for the adjournment. He therefore moved that the House should then adjourn.

Mr. *Hume* observed that it might be as well, perhaps, to take the division at once on the main question.

Lord *J. Russell* thought it would be unadvisable to come to a division upon the main question upon that occasion; and he therefore hoped such a proposition would not be persevered in, and that they could not divide upon it that night.

Sir *R. Peel* was understood to concur in the propriety of this suggestion, although he had before voted against the adjournment, and had been taken rather by surprise by a proceeding which had occurred in the early part of the evening. A very large proportion of the House then present were not aware that about eight o'clock, when only about twenty-five Members were present, a Motion had been made to count the House, and but that a considerable number of hon. Members had come in in time, the business of the night would have been suspended. There was great difficulty often in keeping a House at that hour; those who went away believing that nothing conclusive would be done. But although he was not prepared to go on with frequent adjournments on a question that had been rather fully discussed, considering that there were two Gentlemen of Ireland, of different opinions, who had expressed a wish for the adjournment of a debate in which they desired to take a part, he thought it was most desirable then to have the debate adjourned.

Debate adjourned.

House adjourned at a quarter to one o'clock.

HOUSE OF COMMONS,

Wednesday, May 21, 1845.

MINUTES.] BILLS. *Public.*—1°. Coal Trade (Port of London).

2°. Salmon Fisheries.

Reported.—Smoke Prohibition.

3°. and passed:—Maynooth College.

Private.—*Reported.*—Spoad (Clun), &c. Inclosure; Guildford Junction Railway; Midland Railways (Nottingham to Lincoln).

PETITIONS PRESENTED. By Colonel Conolly, from several places, for Encouragement to Schools in connexion with Church Education Society (Ireland).—By Mr. Duff, and Captain Gordon, from several places, for better Observance of the Lord's Day.—By several hon. Members, from a great number of places, against Increase of Grant to Maynooth College.—By Mr. Bowes, from Barnard Castle, and Mr. Divett, from the Exeter Working Men's Association, in favour of Increase of Grant to Maynooth College.—By Mr. Cowper, and Sir S. Glynne, from several places, against the Union of St. Asaph and Bangor.—By Mr. Knight, from Worcester, for Relief from Agricultural Taxation.—By Mr. Rashleigh, from Staleybridge, for Inquiry into the Anatomy Act.—By Mr. Entwisle and Mr. Gore, from Attorneys and Solicitors of several places, for Removal of Courts of Law and Equity to Inns of Court.—By Mr. Cowper, from Slaithwaite, and Guardians of the Poor of the Huddersfield Union, in favour of the Field Gardens Bill.—By Mr. Bernard, Mr. Divett, and Alderman Humphery, from several places, for Repeal or Alteration of Insolvent Debtors Act.—By Sir William Codrington, Colonel Conolly, Mr. Dugdale, and Mr. Packe, from several places, against Parochial Settlement Bill.—By Sir S. Glynne, from Holywell and Bagillt, for Diminishing the Number of Public Houses.—By Mr. J. Bailey, Mr. Divett, and General Lygon, from several places, in favour of the Salmon Fisheries Bill.—By Mr. Pakington, from Droitwich, in favour of the Smoke Prohibition Bill.

MALT DRAWBACK.] Mr. *S. O'Brien* moved the Second Reading of the Malt Drawback Bill.

Mr. *Cardwell* said, he did not know what the hon. Member considered to be the principle of this Bill; but, as it at present stood, he was not prepared to

assent to the second reading. He recommended the hon. Gentleman to postpone his Motion.

Mr. *S. O'Brien* said, the object of the Bill was to allow a drawback on malt used for the feeding of cattle. He had understood that the Home Secretary and the Chancellor of the Exchequer were disposed to support the Bill.

Sir *R. Peel* said, that his right hon. Friend the Chancellor of the Exchequer had made very extensive inquiries through the medium of the Excise, and he found that there would be great difficulty in carrying out the provisions of this Bill.

Mr. *S. O'Brien* would postpone the second reading of the Bill.

Motion postponed.

SCINDE.] Mr. *Mangles* said, he would take this opportunity of putting to the right hon. Baronet (Sir R. Peel) the question of which he had given notice last week as to the administration of the province of Scinde. It would be necessary for him to say a few words by way of explanation, in order to render the question intelligible to the House. The House was doubtless aware that, by the constitution of the East India Company, a portion of their body formed a Secret Committee, consisting generally of the Chairman, the Deputy Chairman, and some members of the Court of Directors, to whom matters of great and urgent importance were referred. It was provided by the Act of Parliament that in any matters relating to the levying of war, or making peace, or to negotiations with the native princes and states in India, orders might be sent through the Secret Committee. It was evident from the Acts of Parliament that matters relating to the levying of war, or making peace, or other questions of urgent importance, were to be under the control of the Secret Committee. The House might not be aware that the general body of the Court of Directors had no more cognizance of the proceedings of the Secret Committee than they had of subjects under the consideration of Her Majesty's Cabinet. The facts to which he wished to invite the attention of the House were these:—Nearly three years since the East India Company had acquired possession of the province of Scinde and the whole government of that country (not merely its political relations, but its revenue, and the administration of justice) had been under the control of the Secret Committee, the general body of directors having been kept in total ignorance of the manner in which the government of the province was conducted. The Board of Directors were ignorant of the amount of revenue levied in the province, of the expenses of Government, or of the manner in which justice was administered; and they had no more official knowledge of anything relating to the government of Scinde, than they had of the government of any portion of the territories of the Emperor of Russia. He entertained the most profound respect for the military talents of Sir C. Napier. [*Cries of* "Order."] Well, then, the questions he wished to put to the right hon. Baronet were these:—First, why it had been thought necessary to keep the government of the province of Scinde for so very long a period of time, nearly three years, and, as he thought, in direct opposition to the spirit of the law which established the Secret Committee of the Board of Directors, under the control of that Committee? Secondly, when the right hon. Baronet intended to place that province, with reference to its government, on the same footing with the other provinces constituting the territories of the East India Company? Thirdly, whether the right hon. Baronet would object to lay on the Table of the House all the information he possessed as to the revenue of the province of Scinde, and as to the judicial and financial affairs of that territory which was not of a political nature, and with reference to which secrecy was not absolutely necessary?

Sir *R. Peel* said, he was not prepared for the last question of the hon. Member, which was not included in the Notice he had given. The general rule was in favour of delivering to the jurisdiction of the Court of Directors, at as early a period as possible, any new territorial district which might be incorporated with the general territories of the East India Company; but in the case of new territories, where a government had been established, it was usual to leave them for a certain period under the exclusive control of the Secret Committee. The province of Scinde had been peculiarly situated; for very recently military operations had been conducted in the country, which had been rendered necessary for the maintenance of order, and which had been completely successful. The government of

the province of Scinde had been conducted under the control of the Secret Committee, with the entire concurrence of Her Majesty's Government. The relations to the Punjaub had been such as to connect the necessity of military operations in Scinde with the precautionary measures which it had been deemed necessary to adopt. Those measures had been exclusively of a precautionary nature; and the recent period at which Scinde had come under our dominion was the main reason for the delay in transferring it from the jurisdiction of the Secret Committee to that of the Directors of the East India Company. The hon. Gentlemen might rest assured, that at the earliest period possible, consistent with public interests, that territory would be removed from the control of the Secret Committee to that of the Board of Directors. He believed that financial Papers with reference to Scinde would be laid on the Table at a very early period.

Mr. *Mangles* said, he did not wish to enter into the question respecting our relations with Scinde and the Punjaub. His desire was, that the House should be put in possession of such information, as to the revenue and the judicial and financial affairs of Scinde, as there could be no necessity for keeping secret.

MAYNOOTH COLLEGE — ADJOURNED DEBATE (THIRD NIGHT).] Colonel *Verner,* in resuming the debate said, that having had the honour to present several petitions from Ireland, signed by Protestants, who pray that the Bill for the endowment of Maynooth may not pass into a law, since he last addressed the House, he felt called upon to say a few words in reference to those petitions; but, more particularly did he feel called upon to notice what had fallen from the right hon. Baronet at the head of the Government, in reply to an assertion made by him (Colonel Verner), that the Protestants of Ireland were unfavourable to the measure now before the House. The right hon. Baronet had inferred an acquiescence on the part of the Irish Protestants to this measure, because they did not petition against it in large numbers. It appeared to him that it would have been much more correct, had the right hon. Baronet argued the contrary. There was nothing to prevent their making known their wishes in favour of the Bill—there was much to dissuade them from openly expressing their disapprobation of it. He would say nothing of the unwillingness of men to come forward against a measure which the Government had declared its determination to carry; but there was something to be said for the unwillingness of Protestants to petition against a Bill, like the present, in those parts of Ireland where they are few and scattered, and where the law affords them little protection. The right hon. Baronet drew a comparison between the north of Ireland and the south, and seemed to form his judgment of the real sentiments of the Protestants of Ireland from what they did in the south. Surely the right hon. Baronet must know that there are reasons which may prevent the Protestants of the southern and western parts of Ireland from joining in petitions against a measure such as that now before the House, which do not exist in the north; and that where Protestants have remained silent, it is because they dare not speak their sentiments without exposing themselves to danger. Even in the north of Ireland there have been objections to preparing petitions against Maynooth, differing from those in the south, but perhaps not less forcible: there are even there gentlemen of influence and authority who would not advise or take part in getting up petitions—and why? Because their petitions have heretofore been disregarded, and they would not expose the Protestants to the irritation of what they were satisfied would be another rejection. He would not weary the House by enumerating the outrages and murders which are of daily occurrence in many parts of Ireland; but he would mention one circumstance, in order to show the state of that distracted country which may not be known to many hon. Members. There has been established in Ireland, after the lapse of centuries, a manufactory where chain armour is made, and which is worn by the gentlemen in those parts from which the right hon. Baronet congratulates himself, few petitions have been sent forward against this measure. Is it to be wondered at, he would ask, that few petitions should come from those parts where the gentlemen of the country were obliged to have recourse to such means to protect them from the hand of the assassin? It was not easy for persons not resident in the north of Ireland to understand the difficulty with which the public peace in that part of the country is sometimes preserved—how insidious ef-

forts are made to raise discontent in the minds of Protestants against the Government and the laws, and how the indulgence with which the agitators for Repeal are favoured, and the severity with which the loyal demonstrations of those who love British connexion have been prohibited and suppressed, formed topics for discontent, and called for the prudent admonition of those who would preserve Protestants in their attachment to the Constitution and the State, and in obedience to the laws. In corroboration of what he had stated, he would beg the attention of the House to opinions expressed by persons whose opinions he felt confident the House would, with him, consider deserving of every attention. The first was that of a gentleman of high character, one of the most eminent of the Presbyterian clergy, and who, he believed, might justly be considered as speaking the sentiments of the great body of Prebyterians in the North—the sentiments of the Rev. Doctor Cook. He would read to the House the opinion expressed by that gentleman at a meeting of the Presbytery, at Belfast, a few days back:—

"Belfast Presbytery, Friday, May 16, 1845.

"Dr. Cooke was desirous of stating, that in the event of his congregation not forwarding a petition, the reason would be found not in any want of disapprobation to oppose the measure, but in the disregard of Parliament to the expressed opinions of the Christian people. He had assisted at the previous meeting of the Presbytery in preparing the resolutions which were adopted, and had concurred in the petition agreed upon in opposition to rhe grant; and having thus borne his testimony, he was not prepared to say that he would again approach the Legislature upon the subject. Their rejection of the prayer of the numerous petitions of last year, in opposition to the Chapels Bill, had convinced him that it was in vain to appeal to them on any matter affecting the religious interests of the community."

He would also read two communications he had received:—

"*Armagh, May* 8, 1845.

"Dear Sir—I am directed by the Presbytery of Armagh to request that you will be so kind as to present to the House of Commons their petition against the proposed endowment of Maynooth College, which I forward to you by this day's post. You are aware that the Presbytery of Armagh is one of the largest in the General Assembly of the Presbyterian Church in Ireland, consisting of twenty ministers, and as many congregations. At our meeting, held on Tuesday, that is, of the ministers and the representatives of the congregations, it was moved and unanimously carried, that we should petition both Houses of Legislature against the grant to Maynooth. Sir Robert Peel may infer from this what is the mind of the Protestants, at least of the Presbyterian Protestants, of this part of Ireland. The truth is, we are all most decidedly averse to the Bill, and earnestly trust that some merciful change will take place, by which it may yet be thrown out. You and all those who are giving their decided opposition to the Bill have our deepest sympathy and warmest gratitude. May you be crowned with success.—I am yours, faithfully,

"J. R. M'Alister,
"Presbyterian Minister of Armagh.
"Colonel Verner, M.P."

"*Killyman, 9th May*, 1845.

"My Dear Sir—My reasons for not inviting petitions is simply this—that I am sure they will be disregarded in Parliament, and the rejection of them will add a grudge the more to the discontents of our poor Protestants. You know as well as I do how many there be to taunt them, and to tell them that they are despised and scorned by the Government, and you know well how this will increase the difficulty of keeping them within the letter of a severe and partial law, when they see the Repeal agitation renewed, and no effectual discountenancing of it, on the part of either the Government or the Legislature. I may add, that it little became Sir Robert Peel to found such an argument on the absence of Protestant petitions. He had himself, he boasts, discouraged petitions against concessions, when he conducted the opposition to the Roman Catholic claims. Did he do so with a purpose that the absence of petitions should be used as an argument of Protestant acquiescence? It would be discreditable to him if he did. If he had not this purpose, why does he employ the present argument?—Yours very truly,

"M. O'Sullivan, D.D."

In his Parliamentary experience he could confidently say he never saw a measure of consequence brought before the House which had so little to say in its own favour, and for which its advocates have said so little. The arguments upon which they rest seemed to be little better than these—we have been doing wrong for fifty years, therefore, let us do wrong now. He remembered the promises of old. He remembered when the Bill of '29 was brought forward; we were told that if it had not the effect of satisfying the expectations of those in whose behalf it was granted, and of thus putting an end to agitation, the Ministers of the Crown would come before Parliament and ask for additional powers to do so. The agitation did not cease: the promises were not kept. One set of Ministers

adopted a practice of further concessions—they reduced the number of Protestant bishops—diminished the incomes of the clergy—menaced the existence of the Church: and now another set of Ministers come forward, and finding the Protestant religion has been beaten down with as heavy blows as their predecessors were able to inflict, they try their hands on a new experiment, and set themselves to build up the Church of Rome. If there are hon. Members who think the doctrines of Maynooth good and true, it is natural they should desire to augment its powers—if there be Members who think it justifiable to propagate opinions and doctrines which they think erroneous, or who, believing this to be wrong, are yet willing to do the wrong "for a consideration"—he could not understand their consciences, and he felt he had no right to intrude his conscientious scruples upon them. He, therefore, would not argue the question on religious grounds; but would confine himself to repeating what he had before said, that the Maynooth Endowent Bill was an infraction of principle, founded on no argument, and recommended by no promise of good. There was one argument which had been put forward in favour of this Bill, which must have surprised every person who retains what used to be regarded as British feeling, and a sense of British honour—and that was the argument of fear. He never wondered to hear an argument like this employed in the Conciliation Hall in Dublin. He was little surprised when he heard an advocate for Repeal repeat it in the House; but that it should come from the Bench below him—that a British Minister, a Conservative Cabinet, should make it their excuse for the introduction of a measure that had neither justice nor expediency to recommend it—was a proceeding for which nothing he had yet seen, miraculous as were the changes he had of late witnessed, could have prepared him. One hon. Member called the measure "hush money" to the Roman Catholic priests—an appellation against which some of the right hon. Baronet's Friends strongly protested. But had not the right hon. Baronet intimated as much himself? Had he not intimated that the measure was "wrung from his fears?" From fears unworthy of the right hon. Baronet and of the country whose interest and whose honour were confided to him. Upon a measure like this he must declare that he abhorred anything like insinuation. Let the truth, however disreputable it is, be openly stated. If Her Majesty's Ministers are afraid of the Repeal party in Ireland, let them candidly avow it, and let the wisdom and valour of England decide between the Conciliation Hall and the Cabinet. He would warn the House, that if the Repeal party are too strong for England, the paltry bribe which the present Bill offers will not produce peace, or break up a powerful confederacy. It may disgrace the country—it may disgust the faithful and loyal friends of British connexion—it may end by losing you the affections of the Irish Protestants; but it will not win for you one friend worth having of the party you are making so imprudent an effort to conciliate—no, not one. If the fears of the right hon. Baronet are real, let him act upon them with a becoming spirit. Let him ascertain on what terms he can purchase peace with the Irish Repeal party. They have distinctly declared that this concession will not satisfy them—what will? It is better to know the worst at once—one thing is certain, concessions that do not go all the length required, count for nothing, as much and more will be asked next year as if nothing had been given this. Let us know all we have to expect—let us know the extent to which we are to be wronged, and then we shall endeavour to be prepared to meet with fortitude and resignation the dangers and calamities which await us.

Lord *Harry Vane*, rising at the fag-end of a long series of discussions, would have abstained at that period from taking any part in them, had he not received letters from constituents whose conscientious objections he sincerely respected, although he could not share them, expostulatory of his past vote, and earnestly entreating him to recede from that course which he still felt it an imperative duty to pursue to the end. He would accordingly very shortly and succinctly state the views which he took. He was one of those who had originally thought that the question now under consideration did not really possess all the importance that was given to it out of doors. The old grant to Maynooth voted by the Irish Parliament, and accepted by the Imperial Parliament, had endured during half a century with uninterrupted continuity. More than thirty years ago, the grant was increased, because the augmentation of population extended the spiritual requirements of the

country. But if the increase of population, and the increase of the spiritual requirements of the country, consequent upon that increase of population, called for and justified an increase of grant at that time over the original grant, surely the great changes and the great increase of population since that period, loudly demanded a much greater increase at the present time. It surely, then, was desirable that there should not be an annual agitation on the subject—that the country should not be annually disturbed with the spectacle of meetings in Exeter Hall, and with yearly discussions in the House of Commons. So much for the permanency of the grant. But he was by no means disposed to deny that the importance of the question had expanded as the debate had advanced. It had derived much importance from the declarations made by Ministers and their supporters. The declaration more especially by the Home Secretary, that he was prepared to pursue an altered policy, was important; important too was the circumstance that a considerable section heretofore opposed had declared their adhesion to this altered policy of the right hon. Gentleman. The petitions against the Bill were no doubt of two kinds—those of persons opposed to any State endowment, and those opposed, on religious grounds, to Roman Catholic endowment; but there could be no doubt that the *primar mobile* of the opposition springs from religious objections, although certain petitioners alleged the superadded objection which they entertain to any State Endowment for religious purposes. It might be possible that another mode of providing for this endowment might have been found; and he himself regretted that some years ago, when the House legislated on the subject of the Irish tithes, they did not adopt a plan different from that of giving 25 per cent. to the Irish landlords; moreover, the mode of dealing with Church leases was much to be deprecated. In England, in the case of lands belonging to suppressed stalls, the Ecclesiastical Commissioners, acting upon the principle upon which Mr. Pitt acted in the resumption of Crown lands held on lease, ran out the leases, and exacted the uttermost value for the land. He did not now discuss the equity of the case; but why should a rule directly opposite have been pursued in Ireland, and the property most shamefully given away to those who had no claim to it? The hon. Members for the Universities of Oxford and Cambridge opposed any grants, or what they termed concessions, to the Roman Catholics; he was happy to find that the hon. Baronet was not successful in his endeavour last night to fasten finality on the right hon. Baronet the Member for Tamworth; for this measure could not be final, and could not be conclusive. The hon. and gallant Officer who spoke last seemed to think that Ireland should be governed by force; was he not aware that it was precisely the non-success of this system which proved the necessity of another? How could he allay the irritation, if 6,500,000 out of a population of 8,000,000, were excluded from the advantages of a State provision for their religion? His noble Friend the Member for Dorsetshire seemed to have entire confidence for the future in the expansive character of Protestantism, and would hesitate to endow the Roman Catholic religion, from entertaining the conviction, that at some distant period, the population would be drawn within its pale; he agreed with him in thinking that the Church of England was a holier and purer Church: but when he recollected that his noble Friend felt shame at the former treatment of the Roman Catholics of Ireland, and that the right hon. Baronet the Home Secretary had admitted the cruelty of which this country had been guilty, he could not think that any such hopes of change in the religious profession of the people could be entertained. But it had been said out of doors, more than in that House, that many would rather see a Repeal of the Union than be parties to the endowment of Roman Catholics. Now, if, by a combination of unhappy events, foreign and domestic, this country should be obliged to yield to the pressure of overwhelming misfortune, and that the Repeal of the Union should be wrested, what would take place? Why, the Roman Catholic religion would be established, which these Gentlemen deprecated, and the sacrifice of the greatness of this country ensue; not that Ireland would benefit by Repeal; but, by a constant agitation on the subject, many in Ireland thought otherwise. In one respect, he agreed with the hon. and gallant Officer who spoke last in deprecating part of the speech of the First Lord of the Treasury on conciliation. No man with whom he had conversed, were he Whig or were he Tory—were he in favour of the grant, or were he adverse to the grant, failed to express the same surprise and regret. For his part, he should rest his support of

the Bill on no such ground; he would concede nothing to mere clamour. He should support the Bill, because it was just, and inasmuch as justice was the only true policy, it was expedient because it was just; and not being forbidden by any religious scruples, he felt himself bound by Christian charity to give the measure his cordial and hearty support.

Mr. *Colquhoun:* I come to a different conclusion from that at which my noble Friend (Lord H. Vane) has arrived, though in many of his remarks I concur. In the necessity for conducting the affairs of Ireland on a principle of firm and impartial Administration we are perfectly agreed. My noble Friend has spoken of the religious scruples felt upon this question. I should rather call them deep religious convictions, affecting both the moral and the temporal interests of the country; but into that portion of the argument which affects the religious view of this discussion, my hon. Friend, the Member for the University of Oxford has entered so fully as to supersede the necessity of my treading on a ground which he has occupied. I shall apply myself, therefore, as I have hitherto done, to the political view of this question. I shall regard it solely as a measure of State policy, and shall endeavour to trace its effects upon the political condition and future prospects of Ireland. Let me first advert to two incidental points raised in the present discussion. Some remarks last night fell from my right hon. Friend the Member for the University of Dublin—remarks of a personal nature, in which he will pardon me for saying that I am unable to agree with him. I do not dispute the right of my right hon. Friend to make these remarks; they have been called for in the vindication of his own character, in reply to observations addressed by the Secretary of State for the Home Department—observations which, I think, he will regret and recall; but knowing, as I do, the Secretary for the Home Department, and esteeming his character, I cannot for a moment suppose, that in his administration of Irish affairs (if, indeed, he is to be charged with their chief responsibility), he has been influenced by any but the purest motives, and the highest integrity. He may have erred in his administration, I think he has; but I am persuaded that convictions of public duty have prescribed the course which he has pursued. I make another remark, on an incident which occurred in the speech of the Member for Dorsetshire. My hon. Friend alluded to a petition sent to the Bishop of Cashel from the clergy of his diocese; and my right hon. Friend the Secretary of State called our attention to the fact, that nine clergymen only had signed the petition. I hold in my hand a letter from the Bishop of Cashel which explains this. He informs me that the petition had been unguardedly sent to the newspapers with the signatures originally appended to it, when, in fact, it was at this moment in the course of signature throughout the diocese, and he expected there would be attached to it the names of almost all his clergy. Recently, a petition against the grant was set on foot in Dublin, to which 270 signatures of clergymen were attached in the course of two days; and the testimony of both the Dean of Cork and of the Bishop of Cashel is precise, that to this measure the Irish clergy are almost unanimously opposed. At the same time, if my right hon. Friend is as really cognizant of the state of Ireland as the Recorder of Dublin has supposed, he ought not, I must say, to wonder, if both clergymen and laymen, living in the south and west of Ireland, shrink from taking any prominent part against the present measure. It is a measure which the First Lord of the Treasury has announced to be agreeable to the Irish priesthood; any opposition to it, therefore, will provoke their hostility. Is that hostility of little consequence? Has it no bearing on the position of a clergyman of the Established Church? Need I remind you of their condition during the period of the tithe agitation, of which the priests were the movers? But these events are remote; I will give you some which are recent. I hold in my hand a letter, dated last month, from the clergyman of Finnoe, near Borriskane, the Rev. Mr. Gould; what is his statement?—"That during the last eighteen months, in this parish, within a circuit of half a mile there have been eight attempts at murder, wilful, premeditated murder; all the eight persons Protestants; four of these murdered on the spot; one has never recovered the effects of her wounds; two, while I write, are in the extremity of danger." From these facts this clergyman infers (and whether he is right or wrong, his inference shows the alarm of Protestants, and explains their silence), that Protestant life is not safe in many parts of

Ireland; and he attributes this, not to the feelings of the peasantry, which are generous and kind, but to the teaching of the priests, who denounce the Protestants as heretics, and the clergyman as accursed. I take another letter, addressed to a dignitary in the Irish Church, from the incumbent of Castletown, near Berehaven, in the county of Cerk. His statements are corroborated by the evidence on two trials, which took place in February and April, at the Castletown Petty Sessions, before the stipendiary magistrate, Mr. Little. It there appears, that the priest, Father Healy, recommended his hearers to assault the Protestant clergymen in the lawful discharge of their duty; that in consequence Mr. Seymour was attacked; and the rioters were sentenced, some to two years', and some to nine months' imprisonment. The Rev. Mr. O'Grady was also denounced and assailed; his only offence was, that whereas formerly that parish had been neglected, its duties were now discharged with zeal; and the effect of Mr. O'Grady's patient labour was to induce two families to join the Church of England, one of whom, denounced by the priest, and denied employment, was almost starved, and the other had been driven from the parish, and obliged to take refuge in Cork. [*Sergeant Murphy:* "Hear, hear."] What am I to understand by the cheer of the hon. and learned Member for Cork? Does he mean to tell us that in Ireland a man may not change his religion? that in this free country the rights of conscience are to be denied? that if a man leave the Romish Church, he is not to do so with impunity? Is that his doctrine? It is the practice in many parts of Ireland, and as the hon. and learned Member has thrown out this challenge, I will give the House a further illustration of it. I hold in my hand a full report of a trial which took place at Tralee, on the 20th of March last, in which it was proved by evidence, which satisfied a Kerry jury, six of whom were Roman Catholics and six Protestants, that the 800 converts made in the west of Kerry, by the labours of the clergy of the Church of Ireland, were exposed to assaults and annoyance; the result, not of the feelings of the peasantry, but of the culpable denunciations of the priests, which are thus characterized in the presence of the hon. and learned Member for Clonmel, who was counsel on one side, by Mr. Freeman, the counsel on the other. The House will observe, that this jury, half Roman Catholic, gave their verdict for Mr. Freeman's client, and thus admitted the accuracy of his statement:—

"Gentlemen, of all the cases that ever yet occurred, I have never heard, and I am sure you have never heard, one of which the spirit of persecution was proved to be more desperate, and more unrelenting. We have heard of riots at wakes; we have heard of struggles and outrages at funerals; we have heard of stones being pelted, unoffending people struck and assaulted as they passed on the high road; we have heard terms of opprobrium and insult applied to ministers of religion; we find that those gentlemen cannot move through the country, without being followed by insult and indignity. Gracious God! Is this a free country? Are we to be borne down by the tyranny of any body, or the oppression of persons of any persuasion? I appeal more strongly to the Roman Catholic than the Protestant; I call to him more impressively to go with me, than those of my own persuasion, because his is not the Church by the law of the land established. I tell him that if the principle is to go abroad, that the interests of religion are to be advanced through the agency of means worse than the terrors of the Inquisition, through the reckless, ignorant, brutal instruments of violence, there is an end to every thing like liberty of conscience, or the freedom of discussion. It is on the part of the Roman Catholics that I most strongly call for the protection of the law. If any one were to come forward, and assail them in the manner which you have heard that Protestants have been assailed, what would not be justly the cry? If, in places where Roman Catholics are in the inverse ratio of what they are in this part of the country, if in such places, I say, Roman Catholics were persecuted as we have heard the Dingle converts are in this county, what an outcry would be raised? If Roman Catholic clergymen were hooted and pelted through the Protestant districts of the north, insulted, reviled, called by indecent names, so disgusting, that they could not be mentioned in a court of justice, what would be the feelings of the Roman Catholics? They would say, and justly say, is this a country where discussion is allowed? where the principles of religion have existence at all?"

I must now revert to my argument, and state the grounds upon which I object to the further progress of this Bill. My right hon. Friend has, last night, alluded to the state of Ireland; and I agree with him that that question materially affects the policy of this measure. In one point, I think all sides of the House will agree, that whatever views we deliberately stated with respect to Ireland when in opposition, we ought to maintain when in power.

We attacked severely the Irish Administration of the Whig Government; and the grounds of our charge were two. We objected that whilst Ireland was in reality in a state of turbulence, the Whig Government professed it to be in peace, and that for their party ends, and to purchase parliamentary support, they allied themselves with that Irish party who are the great instruments of such disorder. The First Lord of the Treasury stated, that he was aware he should find Ireland one of his difficulties. I agree with the Member for the University of Dublin, in condemning that statement, and thinking it most unwise. When he acceded to power, I do not believe that Ireland formed any serious difficulty. The embarrassment which he suffers, I shall satisfy you has arisen from his own acts. It has been said that there are two parties in Ireland, the Protestants and Roman Catholics. The distinction is a broad one; but it is inaccurate. There are four parties in Ireland; the Protestants, a million and a half to two millions; a minority, but energetic and powerful, combined in union, and attached to the connexion with England, who supply in energy what they want in numbers. I am far from saying that they have no faults; I have arraigned the conduct of the Irish landlord in past times. I admit that among the lower classes of the Protestants, both in Dublin and the provinces, you will find sentiments of strong exasperation, and trace marks of indefensible hostility against their Roman Catholic brethren; but I do the Protestant gentry of Ireland the justice to say, that their sentiments have greatly altered from former times; they have learned a useful lesson in the school of adversity. The Roman Catholics are divided into three parties; one, which is ably represented in this House, whose Members have spoken with a tone of moderation which becomes them. They have, I believe, few sectarian views and no dangerous political objects; their earnest wish is to see the fever of agitation allayed, and the repose of Ireland assured. They are aware that capital cannot advance without security, nor employment without capital; their desire, therefore, is for a strong Government which shall put down agitation. That party deserves at the hands of Government every possible encouragement. There is no support, no office, no favours of the Crown, which ought to be withheld from them. I cannot tell their numbers. My belief is, that they are large, much larger than they appear; comprehending the landlord, the mercantile, the manufacturing, and the agricultural capitalist. If Government only acted on an intelligible system, such a system as distinguished the Administration of Lord Ormond, the wisest Government in the Irish annals, that party would soon embrace much of the wealth and the intelligence of the Roman Catholics of Ireland. But, unfortunately, that party seems not to have entered into the contemplation of Government, whose views have been directed to conciliate two other parties, more numerous I admit, more turbulent and clamorous, for whose special benefit this measure is designed. One of these parties has been described by the hon. Member for Waterford, in his History of the Roman Catholic Association. He described it as much more formidable than the French party which haunted the imagination of Mr. Grattan; looking to America for sympathy, and hoping in Ireland to establish an independent republic. That party so described, existed at the time of the French Revolution, and embraced the Dissenters of the North. Mr. Wyse finds it again in vigour in 1828. It is stronger now than at either of those periods; its views are set forth with the utmost frankness, and in the demand for Repeal, its favourite example is the separation of Belgium from Holland. Is that party large in number? It is, at least eminent for talent. It has a strong weapon in its favour, the youth and ardour of the country. Its organ is the *Nation*, written with such vigour, that one could almost wish oneself a rebel, in order more thoroughly to enjoy it. Eloquent in prose, no less spirited in verse, its songs have been quoted in a court of justice by the Attorney General for Ireland, full of nerve, pathos, and as he has shown, of treason. The object of this party is plain. There is another party, the fourth and the most numerous; the most powerful, because commanding the masses of that susceptible population. Its avowed leader is Mr. O'Connell—its real leaders are the Roman Catholic bishops and priests—those 3,000 priests, whom the right hon. Member for Dungarvon has described as an "intellectual corporation, consisting of 3,000 men, energetic, bold, courageous; power is centralized in its hierarchy, and descends through all its ramifications; by

the Catholic priesthood the triumph of the Clare election was obtained; by the Catholic priesthood the tithe excitement was raised; and by the Catholic priesthood the machinery of the repeal agitation had been put in action. Twenty of these priests, and not a layman, signed the requisition for the great Clontarf meeting." This party is powerful from the combination which leads, and the enthusiasm which sustains it. Whatever may be my opinion of the views of the priests, my right hon. Friend the Secretary of State will acquit me of the folly of supposing that it is the duty of Government to meet that party with menaces, or to brandish against it the language of truculent hostility. Their power must be acknowledged. They should be treated with respect; but they should be observed, they should be governed. The State ought not to enter into a confederacy with them against the rights and liberties of the people. These two parties then, that of the priests and of the republicans, have combined in one object —Repeal. The party represented by the *Nation* do not profess to share the religious feelings of the priesthood. They are cultivated and intellectual, and they regard the priesthood with contempt. They have shown this on recent occasions; when the Bequests Act was passed (an Act which I think just and right), the great bulk of the hierarchy condemned it. The republican party favoured it. Again, in the recent measure for academic education, Mr. O'Connell has declared that he must wait the opinion of the bishops; the opinion of the bishops is notoriously against it. The republican party have welcomed it with favour. But though thus divided in religious sentiment, they are agreed in the ardent desire for Repeal. The severance of Ireland from England; the establishment of an independent republic is the passionate aspiration of both. These, then, are the four parties which the right hon. Baronet had to face when he assumed the administration of Irish affairs. How did he face them? On this point all must agree, that a difficult country required the ablest administration. On the contrary, the Irish Department was the weakest part of the right hon. Gentleman's Government. In this respect the conduct of his predecessors was more wise, who in Lord Morpeth (however much we may differ from his views) found a distinguished administrator. My right hon. Friend the Secretary of State has been charged with sustaining the responsibil ty of the Irish Adminstration. I wish he had. I wish he had been Secretary for Ireland. Had he seen with his own eyes, and heard with his own ears, much of our present difficulties might have been averted. But what was the result of the weakness of this part of the right hon. Gentleman's Government? Why, that in a short time these different parties, who had at first regarded the Tory Ministry with fear, began to view it with contempt. Uniting to agitate for Repeal, they found Government timid; they discovered that they might agitate in safety. For months they were permitted to do so, and the order of the country was shaken by a dangerous excitement. At last it became intolerable, and the Government interfered; and what was the result? Did they require coercive bills? did they need extraordinary powers? was the movement such as to require superior energy or unprecedented laws? A single proclamation from the law as it was, issued not very wisely, nor with any precaution, met and dispelled the storm. In one brief day the tempest fell. But during its course, what services were rendered you by another party which I have described? When two of the Irish parties were united for rebellion, and one was silenced by terror, when Government was timid, and the law was paralyzed, what part was taken by the Irish Protestants? I will tell you, and tell you on the authority of your own Irish Under-Secretary, who can confirm or confute me. I will tell you, during that summer and autumn of agitation in 1843, what was the condition of the north of Ireland, and what you owed the Protestants. The condition of the north of Ireland presented symptoms of real alarm. Nothing could be more formidable (I speak from the testimony of an eye-witness) than the sombre aspect of that dense population. Protestants and Roman Catholics, united before on terms of friendship, passed each other on different sides of the highway; no word was exchanged between them, no sign of acquaintance, but looks of hatred and defiance; each party distrusted, each feared the other, each was armed, each suspected midnight attacks, each lived in a state of preparation for them. At this moment, when an outbreak in the north must have been followed by the rising of the south, when

a movement in Ulster among the Protestants would have led to a sanguinary explosion in other parts of Ireland, to whom did the Under Secretary turn for assistance in his extremity? To the military? to the police? He resorted to the clergy of the Established Church; he besought them to use their influence with their flocks; their influence was effectual. Some of them have received from him the strongest testimony of his sense of the value of their exertions. But if such was the conduct of the Protestants, and such the efficacy of their Church, how have they been requited? Did the Protestant clergy ask for patronage? Did they seek the sordid gifts of office? Did they demand coercive laws against their Roman Catholic brethren? Nothing of the kind. All they desired was, that the Government should establish throughout Ireland security and peace; that they should do to the Roman Catholics what they had already done to the Protestants. You have put down our combinations; put down theirs! You have disbanded Orange lodges; break up the Ribbon organization. You have stopped our processions; put down their monster meetings. They asked another right, but it was no sordid or selfish claim. They asked for that influence in education without which a Church cannot be maintained. They could not join in the system of National Education; they asked to be permitted to have schools of their own; that they should be placed on the same footing with the English Dissenter, and receive, as he does, a separate grant for their schools. That request was preferred to the First Lord of the Treasury in the most courteous terms, by the meekest and most venerable man that ever filled the highest station in the Irish Church. By a man in whose veins flowed noble blood, but whose life exhibited a generous munificence, better than the highest lineage. He, the accredited organ of the Irish Church received from the right hon. Baronet an answer hardly civil; a refusal couched in the most peremptory, I had almost said haughty, terms. Such was the conduct of Government towards the Protestants. How have they dealt with the other parties? The Bequests Act was carried. The monster meetings were crushed; all that was needed was a calm exercise of the law, that the Government should stand in an attitude of resolute command, holding its arm with unbending force over all parties in Ireland. That policy was not adopted. In its place Ministers have introduced into Parliament a measure called a concession, which is to conciliate to the British Crown three different parties—a measure of conciliation! how has it been received? I hold in my hand an extract from the *Nation*, published May 3, 1845:—

"The veteran foes of Ireland, strong in office with an invincible majority, have fallen on their knees, and sought Ireland's pardon with affected candour, genuine alarm, and plenteous flattery; and they have been scoffed at as frightened hypocrites. Over the heads of the Ministers Ireland has saluted her American ally with a hearty cheer. The Maynooth Bill, wherein they abandoned all their own principles in order to vitiate ours, has been taken as a bold instalment, signal chiefly for the gigantic apostacy which introduced, and the monstrous bigotry which opposed it. If the Queen comes she shall be welcomed with the cry of Repeal; in our thoroughfares it shall make her coursers tremble; in her revels it shall break in like a round shot; in her levee it shall approach her in the green uniform of the new volunteer; in her Council it shall reach her. A confederate nation's demand for an army and a senate of their own."

The right hon. Baronet, when pressed the other evening upon the opinions of the professors at Maynooth, took as the standard opinion from that College that of the professor of dogmatic theology, Dr. Higgins. I cannot err, therefore, if I follow the right hon. Baronet's example, and appeal to the same authority. I shall quote the language of the rev. gentleman, addressing Mr. O'Connell, and signing himself "Dear Liberator, with the sincerest attachment and respect, yours unalterably, William Higgins." This letter was written but a few weeks ago:—

"Much has been said," says that right rev. gentleman, "about the gratitude we owe for the grant to Maynooth; but I confess that I for one, and I am joined in the sentiment by the priests and the people of this diocese, feel no gratitude whatever. In the first place, our own energies and determination wrung that paltry sum from a bigoted and Anti-Irish Cabinet; nor shall we ever thank the rich glutton when he disdainfully flings us the crumbs from his table. Secondly, the grant is so miserable in amount, that it can be looked upon in no other light than as a sheer mockery and insult. We want and demand a Repeal of the iniquitous Union. There is no other remedy for the wrongs of our country."

That was the way in which the measure was received by that portion of the Roman Catholic party; and if it were necessary to quote in order to prove that no-

thing but Repeal would satisfy them, I may quote largely from Dr. Higgins, and from other prelates. Dr. Higgins said, at a dinner given to Mr. O'Connell, "I wish to state that I have every reason to believe—I may add that I know—that every Catholic bishop in Ireland, without an exception, is an ardent Repealer!" Then said Mr. O'Connell, "Let Bobby Peel hear that." His Lordship then proceeded to say, "I know that virtually, you all have reason to believe that the bishops of Ireland were Repealers: but I have now again formally to announce to you, that they have all declared themselves as such, and that from shore to shore we are now all Repealers." These are the sentiments which without the slightest reserve the Roman Catholic hierarchy, with scarcely an exception, have avowed. What becomes then of the hope of conciliation by the present measure? If we look at it simply in the light of policy, never was so great a blunder committed by any Government. Let us look at the condition of a neighbouring country. We find the French Government involved in such difficulties by the proceedings of the Roman Catholic hierarchy, that the organ of the Government, the *Journal des Débats*, felt itself constrained to say—

"We are aware that circumstances have changed; in 1840 a war had not arisen between the State and a portion of the clergy. The Ultramontane doctrines slumbered, and might have been considered for ever extinguished."

Such was the pressure of their difficulties, that the Government of Louis Philippe, one of the ablest in Europe, had been obliged to resort to the unusual course of applying to the leader of the opposition, M. Thiers, to extricate it from these embarrassments. That I may present to the House the actual position of France, I take an extract from the *Edinburgh Review*, a periodical which certainly does not advocate illiberal opinions; and the House will observe that the position of the Romish clergy in France is very different from that of the priesthood in Ireland, the one encumbered by State restrictions, and the other absolutely unfettered. This is the language of the *Edinburgh Review* of April 1845:—

"The first dream of the (French) Government was to consolidate its authority at home by making allies of the priesthood. Every indulgence which could be shown without arousing the jealous spirit of the Liberal party, has for years been vouchsafed to the High Church faction. With Louis Philippe, as with Napoleon, this selfish policy was not long in bringing on its own retribution; fifty-three out of the whole eighty bishops have pronounced against the Government on the question of Education, including a large majority of those of recent appointment. On Louis Philippe's fête of 1842, came the declaration of war. That a new and more violent attack on the part of the clerical party is in preparation can hardly be doubted. But it seems to be generally felt, that concession has gone far enough; the body of the French nation will stand by the Minister, who resolves to abide by the established institutions. The priesthood, the Ultramontane and leading party among them, will take every instalment that is offered, but they will not the less insist on the payment of the debt of 1830, to the uttermost farthing. Let their domain in France be extended and strengthened as it might, their Church would not the less be beyond the Alps, or their King beyond the Rhine."

My hon. Friend the Member for Selkirkshire has attested in his place the accuracy of the statement of which I am a witness, made in 1838, by the First Lord of the Treasury, who then talked of the progress, not of Popery—I do not think that was the word he used, nor of the Roman Catholic religion, that matter was not, I imagine, present to his mind—but of the progress of that Roman Catholic party in Europe, who are opposed to civil government, or who at least wish to subordinate it to ecclesiastical rule. The right hon. Baronet then pointed to the progress of that party in Prussia, as filling him with alarm. I must now ask him whether, after the recent experience of France, where the ablest and most powerful Government have been brought to a stand by that Ultramontane party, which the right hon. Baronet then feared, and, as I think, was so well justified in fearing, whether the affairs of Europe, in which, to the experience of Prussia have been added the warnings of France, have so altered in their character from the time when he, the leader of a great party, on the threshold of office, told the representatives of a National Church that he contemplated these political events with alarm, that now his fears can be all abandoned, and his forebodings removed? Does he, who told us in 1838, that those fears were reasonable, and those alarms to be justified, tell us now in 1845, that those alarms are childish, those fears fanatical? and that they are in error who tell him, as on the floor of this House I tell him now, that we regard his measure as opposed, not only to religious principle, but to sound policy; that by it he is

adding greatly to the difficulties of his Irish government; that he increases the strength of that party, with which, if he is ever to govern Ireland efficiently, he must contend. He places the whole education of the Romish priests of Ireland in the hands of their bishops, for they alone send students to Maynooth; and he thus deposits in the hands of a hierarchy, not paid by us, as in France, not appointed by the Government, nor controlled by them, a power which, possessed in France, has shaken the Government to its centre, and which, I tell the right hon. Baronet, existing in Ireland with superior power and absolute freedom, will shake its Irish Government to its foundation. I do not appeal to religious passions—to these I have not addressed myself; I regard the question as one of grave public policy; I arraign it as injurious to the peace of Ireland. Already has this measure strengthened the agitation in Ireland, which it was his wish to put down: and until that agitation is subdued, there will be neither security for capital, nor employment for industry. When Government introduced this Bill, agitation was at its lowest ebb, the Repeal rent was declining, the prestige of the Conciliation Hall was gone; but the moment we told them that the terrors of their intimidation could wring concessions from your Cabinet, you gave a premium to agitation; you have had swelling rents, fervent assemblages in the Conciliation Hall, and the renewal of monster meetings. But I address myself to the right hon. Baronet. I ask him whether in dealing with the Romish priesthood he intends that they should be amenable to the law, or the law subject to their will? Is the law to be at the discretion or caprice of any set of ecclesiastics? If he answers me that it shall not, that this would be foreign to the genius of this country, and to the principle of the British Constitution, then I point out to the right hon. Baronet the difficulties with which he has to contend. There are in Ireland a priesthood, the avowed friends of Repeal, and a hierarchy equally devoted to that measure; with these the Government who resist it cannot expect to be at peace. But again; do the Government intend to administer the law, and to maintain freedom of opinion? Do they mean to provide, that converts from the Roman Catholic faith should walk unharmed in Ireland? If they do, if they are prepared to defend them by the arm of the law, then I refer them to the trial at Tralee; I warn them of the part which the priesthood took in that trial; I show them that in many parts of Ireland the priests are violently opposed to proselytism. I admonish them, that if they maintain the liberty of conscience, again on that point they will be in strong collision with the priesthood. In the Report of the Land Commissioners it was stated, that one of the great evils of Ireland was the estrangement of the humbler classes from the landlords. How can we hope to remove this whilst religious and political differences prevail between the landlord and the priest, and the latter uses these to inflame against the proprietor the passions of his neighbourhood? Look at the evidence before the Committee of 1835; read there the language in which the priests have denounced landlords, simply because they differed from them in politics; trace the effects of such language in the attacks upon the resident proprietors. Will the Government abandon the landlords to the consequences of their denunciations? Will they interfere to protect them from violence? Here again they would be at variance with the hierarchy and the priesthood. In the Report of the Land Commissioners it is stated, that there can be no security in Ireland until the law is administered and crime repressed; but the Report of the Lords' Commissioners of 1839 contains the evidence of stipendiary magistrates, and of Mr. Tierney, the Crown Solicitor, who show that the Irish priesthood are in the habit of interfering to defeat the ends of justice, and to protect the criminal from the sentence of the law. Will the Government enforce the law, and vindicate its authority? Here again they will be at issue with the priesthood. While Lord Morpeth was Secretary for Ireland, I brought under the consideration of the House that habit of the Irish priesthood which, I again repeat, is intolerable in a free country, the habit of denouncing individuals from the altar, and exposing them, in consequence, to injury to property, and often to personal violence. Such a practice is not tolerated in France, yet that practice, inconsistent both with the liberty of the subject and the administration of the law, is habitual in Ireland. Out of many instances I select one, because it is established by a trial in a court of justice, at the Nenagh Assizes, March, 1843; and the statement has been for-

warded to me by the gentleman who was then counsel for the Crown. It appeared in the evidence on that trial, that a person of the name of Tierney having been fired at by two men, prosecuted his assailants; but these parties, criminal as they were, enjoyed the favour of the priest of Toornevara, the Rev. Mr. Maher. About a fortnight before the assizes, the priest exerted himself actively for the prisoners, and declared that the prosecutor was swearing falsely. The unfortunate prosecutor repaired to the house of the priest, remonstrating against his interference, and asked if it were true that his reverence intended publicly to denounce him. Notwithstanding the poor man's entreaties, Priest Maher denounced him in the chapel the following Sunday, as a person who ought not to be allowed to remain in the country. On the same evening Tierney was murdered by a party who broke into a house where he was seated, and beat out his brains! Can that state of things be permitted? Will these atrocities of the priesthood be tolerated? They are no single cases: will the Government interfere? Then again will they find themselves at issue with the priesthood, and the attempt to govern through them must fail. Let me now, in a few words, sum up the blunders of this measure. They are three. The first blunder is their dealing with Maynooth. They have now as perfect experience of the working of that College as could be had by mortal man. Half a century ago, when the College was formed, it might have been represented that its books and doctrines were bad; and the answer would have been, as given by the right hon. Baronet the other evening, that those doctrines were theoretic, that the evil was partial, and that it was not right to anticipate pernicious results; but now, in addition to the books and the discipline, they had fifty years' experience of the training; and it appears that this training has produced—I say it in the face of those who are their clamorous representatives—a priesthood the most illiterate in Europe, who have not given to letters or to science a single man of talent or of taste, with the exception of Dr. Doyle, who was educated abroad, unless we include Dr. M'Hale, of whose proceedings hon. Members can judge, and Dr. Higgins, quoted as a standard authority by the First Lord of the Treasury. If we ask, what is their loyalty, we find 3,000 Irish priests marshalled in the movement which took place two years ago, the avowed object of which was to sever Ireland from England—an object which all parties declare to be treasonable, and maintain they will resist to the extremity of a civil war. If that is the result of a fifty years' trial of the principles and training of Maynooth, I leave the Government to say if there can be a more perfect proof of an utter failure. If indeed Ministers proposed to correct the system, to amend the College, to exercise civil control over those dangerous ecclesiastics, to subject them, as in Prussia, to the influence of the State; I do not say that that would be a proper course, but at least it would have some colour of reason, some foundation in policy; but the Government proposes to take the College such as it is, to stereotype it, to engraft it upon the permanent institutions of the country, and to place it on a level with Oxford and Cambridge. Much as I admire these Universities, strongly as I am attached to Oxford, in which I was reared, I should be compelled to oppose all grants of public money to them, if it could be shown that they teach such doctrines, and produce such ecclesiastics as the College of Maynooth. That, then, is the Irish blunder of the Government. I turn to their English blunder. Do you mean to agree to the Motion of the hon. Member for Finsbury? Do you mean to submit to the judgment of the English people, this College which you love, but which the people detest: which you venerate, but which the people repudiate; which you seek to endow, but from which the people would take away all endowments? I address myself to the First Lord of the Treasury. I ask him, from whom we have heard so eloquent a dissertation on public opinion, if he knows what is the fixed opinion of the public? He says that the storm is abating. The next election will prove his mistake. He may now trample on the feelings of the English people; with his majority here he may defeat the sense of the public out of doors, but he can only do this for two years. At the expiration of that period, his principles and the College of his choice will come under the impartial consideration of the people of England, whose opinion, not the result of popular delusion, as the right hon. Gentleman the Member for Edinburgh has stated, but founded on principle, and matured by reflection, will show to the right hon. Baronet whether the storm has abated. The second blunder, therefore, has been, to take up a measure contrary to principle and feeling, and to

endeavour to thrust it down the throats of the people of England. Now let me show you the third blunder. At the commencement of the Session, the right hon. Baronet was the powerful Minister of a powerful party. He held together a united phalanx, not entirely agreeing with him (when would such a thing be found?) in all the steps of his policy, but tendering him a cordial, and, I am sure, a disinterested support. We have nothing to seek—no place, no salary, no offices in the Treasury. All we sought was the maintenance of those principles which we thought we held in common with the Government, by which the right hon. Baronet had gained our confidence, on which we were willing to continue our support. By this unhappy question this great party is riven in twain—cleft to its centre. With what reluctance and pain some of us have opposed the right hon. Baronet, Members of his Cabinet may be able to tell. But he had driven us below the gangway, and I do not think we are likely to pass it again. The hon. Member for Shrewsbury has spoken of one right hon. Gentleman who, having gone below the gangway, would probably repass it. I must confess that, looking to the principles now acted upon, that destiny is not likely to be ours. We certainly have no intention of abandoning our principles; we will not change our deep and resolute convictions. At whatever cost, at whatever sacrifice of feeling, at whatever estrangement, public or private, the question is one in our judgment so clear and so paramount, that we must discharge our duty, be the consequences to the party what they may. The eloquent and demolishing speech of the right hon. Member for Edinburgh was, I felt at the time, painful to listen to, and difficult to answer. But the First Lord of the Treasury answered it by appealing to the noble Lord the Member for London, and saying that it was very hard when he conceived that there had been a generous understanding between them, to the effect that if he followed the noble Lord's policy he should have his support, that he should be thus turned upon by his Colleague, the right hon. Member for Edinburgh. But that is the invincible result of such *mésalliances*. Their first result is the fruit of the union. The next is the scorn of the seducer. The right hon. Baronet may unite with the noble Lord upon this question, against our diminished phalanx; he may tell us that he scorns our resistance, while he can command a more effectual support. I can only say that I deeply regret the course which the right hon. Baronet has pursued, by which he has driven from his side independent, it is true, but honest friends, in order to live a brief, and, I fear, inglorious season on the forbearance of his foes.

Mr. *F. Mackenzie:* After the allusions that have been made to me by the hon. Member for Newcastle—allusions which, although he did not mention my name, could not be mistaken by the House as intended to apply to me, and which I only wish had been more directly personal, and made in any other place than this—I am sure the House will admit that I have a claim upon their indulgence for a few moments. Sir, I deny in the presence of this House and the country that I have sacrificed my principles to place. I say it in the presence of the right hon. Baronet, who is the best judge in the matter, and I appeal to him to say whether any communication, either direct or indirect, took place between him and me previous to my vote upon the second reading of the Maynooth Bill. I maintain that the present question is different from the question which has hitherto come before the House in reference to Maynooth. The right hon. Baronet, when introducing the present measure, said that either of three courses were open to him—viz., to abolish the College altogether; to leave it as it is; or to endeavour to improve it—adding that he would rather abolish it than leave it as it is. Sir, I think that in that remark may be found a justification of my former vote. I felt that it was simply a question of leaving the College as it is, or taking away the grant; and the latter I preferred and voted for. But I do not at all see that by having done so I am precluded from voting in favour of this Bill, which does not leave the College as it is, that being the ground of my objection to the grant, but which goes to improve it. I stated that in my speech at Peebles—a speech that has been much referred to, and which has certainly caused more public remark than I expected it would, I had not the slightest idea that I was speaking in the presence of those who would not believe my words; I thought that I was addressing those who had confidence in my assertions. That speech, however, was reported, and the copy of the report which has been so much referred to has been taken entirely from the Radical Papers of Scotland; and the report is restricted to one part only of a sentence, in which I said that I had voted against the grant because it was too small: whereas I

stated that I had voted against the grant when it was small because I thought it did harm; and that I now voted for the larger grant, not because I was certain that it would do better, but because I certainly thought it ought to be tried. And I illustrated my argument by a reference to the relative state of Scotland and of Ireland. I referred to what had been done in Ireland; and I said that if the Irish would devote themselves to the cultivation of the land, and would repudiate that agitation which was tearing them to pieces, I had no hesitation in saying that the best consequences would arise to Ireland. This was the slight speech I made on the hustings in Peebles-shire, and it cannot be easily recognised in the distorted caricatures of it which we have recently seen.

Mr. *Wyse* said, that the speech which they had heard from the hon. Gentleman (Mr. Colquhoun) would seem intended for the discussion of the general question of Irish policy, rather than for a debate concerning an educational establishment, which had been over and over again before the House. Much stress had been laid on the opinion expressed by the people of England on the subject of this grant. That opinion he could only collect from the petitions which had been presented to the House, and from resolutions passed at public meetings. With regard to petitions, he did not undervalue their importance. It was a right belonging to and inherited by the people, equally with that of the liberty of the press, and was as valuable and as essential as any portion of the British Constitution. He, therefore, would be very sorry to show any disrespect to the petitions which had been presented on this question; but he could not recognise, either in their number or in the amount of signatures they bore, that universal expresssion of opinion on the part of the people of England, before which the House of Commons ought to bow. Many of the petitions had not more than three or four signatures; others were signed solely by the clergyman of the parish. Many were from large dissenting communities, the importance of which no one more readily acknowledged than he did—for no one less doubted their influence, and these were the legitimate expressions of their real feelings; while others were the result of a cleverly conducted machinery. A form of petition against the grant had been issued by the Presbytery of Edinburgh, and printed in the *North General Advertiser*, in which there were blanks left to be filled up with a statement of the special reasons—whether those of bigotry, ignorance, or prejudice, he would leave to the judgment of the House—on which the opposition to the grant might be founded. Such was the nature of the petitions which had been so strongly insisted upon by hon. Gentlemen as a ground for asserting that the people of England were hostile to the proposition of the Government. If, however, such importance was to be ascribed to these million of signatures, how happened it that when last year he himself presented a petition signed by 800,000 individuals, asking for an inquiry into the recent "State Trials," and the mode by which they had been conducted, no importance was attached to that petition? How happened it that when, in the year before, a petition was presented by the hon. Member for Finsbury (Mr. Thomas Duncombe), signed by nearly 2,000,000 of the people of England, demanding "the People's Charter," the House did not then think it sufficiently expressed the will of the people of England? There was no appeal then made either in the House, or in public meetings, by the Gentlemen opposite, to the fears of the Government, or of the country. He, therefore, called upon those hon. Gentlemen who now so emphatically dwelt upon the force of the petitions of the people on this question, to give the same weight to other petitions, which had been presented on other subjects, equally deserving of notice in reference to numbers, places and signatures; or, if they were not disposed to do so, then to mitigate, in some degree, the consideration which they sought to attach to those that were now before the House. Looking at the petitions which had been presented, he thought the petitioners might be classed under three heads—those who petitioned on the ground that it was an unjustifiable application of their (the petitioners') money to Ireland, and who would indicate by this statement, that they were oppressed by an unfair distribution of financial burthens; secondly, those who from an honest conviction were opposed to all endowments; and, thirdly, those who, whether they felt disposed to give their money to Ireland or not, or whether they were in favour of endowments or not, still entertained so strong an antipathy to Catholic doctrines, as such, that they would not in any way consent to apply the public revenues to the purposes of a Catholic endowment established for instruction in those doctrines. And, first, in reference to the financial objection. The Roman Catholics of Ireland had been condemned to hear, in a thou-

sand shapes, in that House, this objection put forth in a manner most mortifying to their feelings as Irishmen and Catholics. They heard again and again this question treated as if the Catholics were supposed to stand in a position not coequal with the other inhabitants of the United Kingdom ; and instead of merely requiring the application of their own funds, or that portion of the public funds which belonged to them, to their own purposes, they actually presented themselves to that House in the attitude of men soliciting alms from the bounty of others. He held in his hand a petition agreed to at a meeting of the "John-street Relief Congregation, Glasgow," in which a paragraph very nearly to that effect occurred :—

"Our Roman Catholic fellow subjects cannot justly complain of us when we protest against any grant of our money being made to their seminary at Maynooth, since we neither receive nor ask any grant of their money for our religious institutions; and should they reply that the united Legislature burdens them with the support of the Protestant institutions of others, though not ours, our rejoinder is, that they are in this respect no worse situated than we are."

Now, he (Mr. Wyse) denied that in this application of the grant, they were taking the money of these petitioners; and, in the next place, he would contend that if they (the Catholics) did so, they had an equal right to say that they gave to them (the members of the John-street Relief Congregation) their money in return, because Parliament had voted 7,080*l.* to the Scotch Universities annually, specially including the University of Glasgow. The demand made by the Roman Catholics on the Treasury of the United Kingdom was not greater than they had a right to require, in return for their proportion to their joint contributions. The debt of England, funded and unfunded, in February, 1800, was 424,519,343*l.*; the charge on which was 16,571,572*l.*; while the debt of Ireland was only 23,100,784*l.* and the charge 1,029,271*l.* In 1817, the debt of England was 734,522,104*l.*, the charge on it was 28,238,416*l.*; and the debt of Ireland was 112,704,773*l.*, and the charge 4,104,514*l.* The taxation of Ireland at the Union was 2,440,000*l.*; in 1810 it was 4,280,000*l.*; in 1816, 5,760,000*l.* In 1815, a Committee of the House admitted that "they could not but remark, that for several years Ireland had advanced in permanent taxation more rapidly than Great Britain." The taxes imposed on Great Britain from the time of the Union to 1843, were 37,000,000*l.*; those on Ireland, 5,560,000*l.* The relief given to England from 1815 to 1843, in taxation, was 45,550,000*l.*; the relief to Ireland during the same period 2,400,000*l.* The proportion of taxation on the two countries was as 1 to 7; the relief given as 1 to 18. But was this all? Were the burthens imposed by an expensive Church Establishment, not the Church of the Irish people, to be forgotten? Was there not evidence to prove that there was not only a large sum applied to the purposes of the Protestant Church in Ireland, in places where religious instruction was given, but also in districts where it was impossible for the Church to fulfil its functions, because placed in the midst of an exclusively Catholic population? He had a Return made by the Commissioners of Public Instruction, Ireland, by which it appeared that out of 2,000 parishes, there were not less than 217 in which there was not one single Protestant to be found. The policy of this country, in its misrule, had been to eradicate the Catholics from Ireland, and make it a Protestant country; but had any such change as was anticipated been yet realized? After the experience of two centuries, had there not been an augmentation instead of diminution in the proportion of Catholics to Protestants in that country? Was not the complaint which was made by Archbishop Boulter, in the reign of George II., as applicable to the present day as to that in which he wrote?—

"The number of Papists in Ireland was so great, that it was of the utmost consequence to the Protestant interest there to bring them over by all Christian methods to the Established Church."

There was another consideration connected with the financial view of the question. The Catholics of Ireland were doubly taxed. They not only paid tithes to the clergy of the Established Church, but they had to support the priesthood of their own. It appeared by the report of an Irish clergyman, that there were in Ireland 1,128 priests, who, supposing they were paid at an average of good and bad parishes 400*l.*, would require a total of 451,200*l.* a year; and 1,128 curates, which, at an average of 20*l.* a year to each, including salaries and perquisites of all kinds, would give a sum of 22,560*l.* a year. There were 27 bishops, at an average of 1,200*l.* a year to each: including cathedral cures, marriages, dispensations, gratuities, and funds

of all kinds, their total expense would be 32,400*l.* a year; making in the whole a gross voluntary fund for the Irish bishops and priests, of 506,160*l.* This burden on the people was exclusive of the building of the chapels, rents, altars, organs, clerks' salaries, repairs, and many other necessary demands. At the time of the institution of Maynooth, and prior to the French Revolution, there existed abroad, for the purposes of education, not less than 27 professors, and 478 students. In France, at Paris, there was the "College des Lombards," rue Cheval Vert, 180 pupils; at Nantz, 80; at Bordeaux, 40; at Douay, 30; at Toulouse, 10; and at Lille, 8. At Louvaine, 40; at Antwerp, 30; at Salamanca, 32; at Lisbon, 12; and at Rome, 16. All these institutions were frequented by Irish students. This was of course an additional expense imposed upon the Catholics of Ireland; because, had they enjoyed the means of education at home, there would be no necessity for their resorting to foreign universities, or endowing foreign schools or colleges. Limiting, therefore, the question to the mere financial point of view, the Irish had a right to demand from the House something for a portion, if not the total restoration, of their own funds, which, if they had not been deprived of, they would long ago have been applicable, and probably applied, to the College of Maynooth. The second point on which he wished to address the House was, the objection to the endowment principle. He admitted, that there was no one who had considered history but must admit, that a too close allianee of Church and State necessarily tended to produce, in reference to both, injurious consequences. It made the clergy the mere hangers-on and lacqueys of power, and converted them into a body of servile dependants on those who had the dispensation of their honours and emoluments. On the other hand, it was not less true, that the State often used the Church as the cheapest instrument of its despotism. But he could not, at the same time, be so ignorant as not to know that where the people of a country were wholly surrendered to an unendowed clergy, the subserviency of that clergy to popular opinion, too frequently degenerating into popular passion and impulse, was as likely to be injurious to religion as the subserviency of an endowed clergy, however humble, to the State. The Irish priesthood were more protected against these results than any other class of clergy not endowed by the State: although they had no endowments, they still possessed all the advantages of private endowments in connexion with their religious orders, and were still further controlled and steadied by the regular degrees connected with a hierarchy. In speaking, however, of endowments, he begged it to be understood he did not, strictly speaking, consider this grant to be endowment. Indeed, if he had, he would have to enter far more at length into the subject. The endowment of the Catholic priesthood was a question which should be approached with great caution. Many concomitant measures would be required: the first would be a *concordat* with the Holy See. There was another objection which must occur in the instance of the endowment of the Catholic, which would not particularly affect any other Church. If the Catholic Church were to be endowed, it would be perhaps found necessary to extend the measure to monasteries and convents. He did not consider this grant as an endowment; neither did he regard it in the nature of a salary. When the grant was once out of the hands of Parliament, though it might hereafter be withdrawn by Act of Parliament, it did not follow Maynooth was to be under its control. This measure was for the purpose of obtaining an order of instruction for the benefit of the country as well as of the Catholic Church, not by altering the religious instruction of the priesthood, but by superadding to that another kind of instruction which would qualify them for conveying useful knowledge to the people committed to their charge. Happily, this question of endowment was not now under discussion; if it were, he should be much puzzled how to explain the conduct of many hon. Members, for he found that those very men who had expressed themselves most strongly opposed to it were not equally opposed to endowments of other Churches. Nothing was heard against the *Regium Donum* granted to the Presbyterians of Ireland, or against the sums given to the Universities of Oxford and Cambridge, or against the votes passed in favour of the Universities of Glasgow and Edinburgh. It was only when the Catholic Church was in question that the feelings of the country were aroused, not against endowments generally, but against endowments to the Catholic Church alone. When they came to look at the charges stated in the petitions against this measure, they would be found to be very little other than a repetition of the doctrines professed at the time of Lord George Gordon, and con-

tained in the declarations of the Protestant Association—declarations, however, it must be remembered which tended at last to exasperate the people to such a degree that a furious outbreak ensued, not against opinions only, but against both property and life. Thank God they now lived in a state of society so far superior to what existed at that period in general good feeling and knowledge, that he apprehended no such result at the present day. On the contrary, he thought these charges against the Catholics and their religion might be met with the greatest facility and success. The petitioners spoke of the Catholic religion as the great apostacy, and of its spiritual head as the Antichrist of the Revelations; but he would not make the House of Commons the arena for the discussion of these subjects: he referred to them only for the purpose of expressing his desire that they should never again be mentioned in that House, composed as it was not of Protestants only, but of Catholics as well as Protestants; but Catholics as well as Protestants, he trusted, of the one Christian religion, all belonging to the one faith of universal charity and love. The numerical argument might be urged in support of these views, and in favour of mutual forbearance. The population of the world was estimated at 657,000,000:—of these there were Roman Catholics, 142,145,000; Evangelicals (all Protestant communions), 62,785,000; Greeks, 57,110,000; Armenians, Copts, &c., 5,850,000. If the Catholic religion were antagonist to the social state, how had it happened that so many millions of that religion for so many ages had held together in perfect harmony in the great family of nations? But why go so far? He had only to refer them to their own Constitution—who framed it, who confirmed it? Their Catholic ancestors. Did he say this in a bigoted spirit? Far from it: he mentioned it merely to show that they were all essentially of the one Christian religion, and that whatever might be their minor diversities, it became them to exercise a spirit of mutual kindness towards one another. He trusted they would henceforth cast into oblivion those feelings of domination and oppression which had hitherto deprived religion of its efficiency; and that the genuine spirit of the Gospel might be allowed to work out its chiefest end, and have to boast (with reason), of its brightest gem —mutual consideration and brotherly forgiveness. He mentioned this, because he believed that in speaking thus he was speaking, not his own feelings merely, but the feelings of all classes of his co-religionists; and he hoped, also, of a large portion of all those classes who did not belong to them. Considering the many circumstances calculated to arouse the religious feelings of hon. Members on either side which this discussion involved, he must say that he could not call to his recollection at any period in that House so noble a display of good feeling, and at the same time of manly, religious bearing, and firm but calm conviction, as had characterized the whole of this debate. If he had wanted anything to give him confidence in the result of the great conflict of opinion that was now agitating the country, he should have looked for it in the temper exhibited within these walls, and the dignified attitude maintained by that House, which had on this occasion shown itself the director, guide, and counsellor of the country, instead of being driven before it by its momentary impulse and passion. On a former occasion, when certain passages had been read from books said to be used in the College of Maynooth, he said he could produce passages from Protestant writers which, if taken separately, were calculated to convey instructions quite as injurious to religion as any that could be quoted from works written or taught by Catholics. He had not quoted these passages for the purpose of recrimination; but merely to show that it was unfair to select particular words without adverting to the context, or intent of the writer. One of the extracts he had read was from a translation of Luther; and in order to prove that he was right in the interpretation he had given, he read to the House first the English, and then the original Latin. The English ran thus:—

"See how rich a Christian is, since he cannot lose his soul, do what he will, unless he refuse to believe; for no sin can damn him but unbelief."

The Latin was in these terms:—

"Ita vides quam dives sit homo Christianus, etiam volens non potest perdere salutem suum, quantiscumque peccatis nisi nolit credere. Nulla enim peccata eum possunt damnare, nisi sola incredulitas."

It was not true, therefore, as was somewhat rashly stated, that he had not cited the words accurately; much less that he had mistaken a collective deduction from passages generally for the passages themselves. After all, the question must be, whether Maynooth was to be treated as a College to be founded, or as one already founded. It stood to the most obvious

reason that the priests should be qualified for their task: if, hitherto, they had been allied rather to the people than to the Government, could it have been otherwise with such a code as the penal laws, and such administrators as a Protestant ascendancy Executive? It could not be shown that they were the cause of agitation: the laws were the cause of agitation; the moment a young man left the College of Maynooth, he was surrounded by it in every shape, with Mr. O'Connell, supported by the strong sense of national grievance, at its head. The priests were as often led by, as leaders of, the people. Until the people could be tranquillized, they must naturally be allied to their priests, and their priests to them. He admitted that if the grant to Maynooth stood alone and isolated from all future concession, he should consider it too little; he valued it, however, as a link in the chain, if not the chain itself; as evincing a disposition to do right, and doing right as far as it went. Nor would he call it a boon of conciliation; conciliation belonged to hostility, and he hoped that, with respect to Ireland, the word, as well as that of toleration, would be banished from the vocabulary of Parliament. The Legislature was dealing not with the occupants of a camp, but with a body of fellow citizens and fellow Christians. The Roman Catholics knew that they were the equals of the Protestants; they knew it from increased wealth and increased intelligence, and ere long they would be able to assume the position it was proper for them to occupy in the full exercise of all social rights, as well as full participation of all social advantages. The right hon. Baronet at the head of the Government had at length discovered the true line of policy; instead of continuing a system of coercion and exasperation, he had wisely adopted the only course which could or ought to sway a brave and much wronged people. The "*Quos ego*," with which he had begun his Administration, in the midst of the strife of contending elements, had at length yielded to the "*motos præstat componere fluctus*" of the poet; and Ireland was to be governed henceforth as an equal, and not as a rebellious province.

Mr. *Darby* complained that the right hon. Gentleman had assumed the Roman Catholic religion to have been the religion of Ireland from the earliest period, and upon that assumption he had proceeded to contend for the restitution of ecclesiastical property to the Irish Roman Catholic Church; but as his premises were unfounded in fact, his conclusion must be untenable. Then, as to the expression, "Antichrist," he (Mr. Darby) offered no opinion on the wisdom of using the expression, but would ask the right hon. Gentleman by whom it was first adopted? It did not come from Exeter Hall, but it came from Rome. In the 4th vol. of the works of Gregory published at Rome, there is a letter of his to the Emperor Mauritius, in which he states that the Patriarch of Constantinople, in assuming authority over all the bishops, is guilty of inordinate pride, and is the precursor of Antichrist. And as to the judgments of God falling upon a nation for pursuing a particular course, the hon. Gentleman might inform himself upon the subject by consulting a letter, addressed *Universis Episcopis per Hiberniam*, in which Gregory condemns the Irish bishops for attributing the war, pestilence, and famine in the Italian States, to the conduct of Rome with respect to the three chapters. He considered, that if the Church of England was admitted to be a part of the Universal Church, it should also be admitted that she had a right to protest against erroneous doctrines. With respect to the Motion before the House, he had looked into the various Acts of Parliament relating to the Roman Catholics of Ireland, and upon a review of the whole subject, he could not come to the conclusion that the object of those Acts of Parliament was the propagation of the Roman Catholic religion, but to keep revolutionary doctrines out of the country. But the present Bill was not founded upon that principle. He could not assent to the statements of the right hon. Member for Edinburgh; for a more illogical speech he had never heard in his life, and he had little expected to hear such a one from a man of so much talent as the right hon. Gentleman. Because, if there was no principle in this question, and if the men who voted for the grant of 9,000*l.* would act absurdly if they did not vote for the grant of 26,000*l.*, then the Government were not guilty of any dereliction of duty in proposing such a measure. But the fact was, that it was a new principle, and the right hon. Gentleman could not but be aware of it. The principle on which this Bill was founded was that of a permanent endowment; its object was decidedly different from that of the annual grant. That was the distinction which he saw between the two propositions; and that difference compelled him to give his decided opposition to this

Bill. He had heard a great deal about the system in Prussia; but this Bill went a great deal further than the Prussian system. And, moreover, Rome was decidedly opposed to the Prussian system. He believed that Rome would even oppose this new system, if attempted to be carried out, in other countries. What was the case now? They were proposing a State endowment, and there was a repudiation on the part of those who were to be endowed of all control over them by the endowers. The right hon. Gentleman the Member for Waterford was the person who had used the expression — "Maynooth is beginning to be felt." What guarantee was there, if this Bill passed, that Maynooth would not still further be felt? He believed that the Church of Rome looked for the extension of herself throughout the world. But it was asked, why was Belgium and other Roman Catholic countries satisfied? — Why? Just simply because they were Roman Catholic countries. Hence the Roman Catholics in Ireland would not be satisfied until things were carried still further to please them. There was, and had been from the time of the Conquest, an antagonistic principle in this country; he might say, indeed, that every revolution in this country had been a religious revolution. It was true that some few petitions had been presented to the House, in which the union of Church and State was condemned; but those which he had presented from Dissenters had recognised and approved the principle of a religious establishment in the country. He knew that a very large body of Dissenters wished to support the Church of England on the ground that under that Church, since the Revolution, they had enjoyed civil and religious liberty to an extent which they would not have enjoyed under any other system; and that, too, he believed, was the principle on which the people throughout the country were opposed to this grant. If the hon. Gentleman asked him to go further, he would ask, in return, did the hon. Gentleman think the antagonistic principle in this country would permit it? He was for Protestant ascendancy. But he did not mean a Protestant ascendancy to be exercised in the way of banners, and lodges, and of offering insults to our neighbours by party or religious processions. To that he objected. But if he looked to the principle on which the Constitution of this country was founded, if he saw that it was a religious principle that brought our present Sovereign to the Throne, and that the Constitution was founded upon religious principles which were part and parcel of the law of the land, and entirely mixed up with it, then he must say, that he wished Protestant ascendancy to that extent, without desiring to offend others; and when Protestant ascendancy should cease to that extent, that moment the Constitution of this country must cease too. Was the House prepared to go that length? Would they tell him that the Constitution of the country was now to cease? If so, then the time was come to make all religions equal, and say at once that they would not support that religion on which the Constitution was founded, and by which the Church had become connected with the State. But he believed that such a circumstance could not take place in this country without another revolution. If the Church was part of the State and Constitution, the Legislature was bound to support the Church. If they wished to go further, to what extent would they go, and in what particular direction? He believed, that if they attempted to go further, they would raise such a feeling in the country as could not easily be allayed. It was because he felt that this country was a Protestant country, and that this Bill was a permanent endowment for the propagation of principles antagonistic to the Constitution, that, as long as that Constitution was worth preserving, he must be among those who were compelled to oppose this measure. He believed the system of Romanism to be entirely opposed to civil and religious liberty. He intended not to apply that observation personally to hon. Gentlemen opposite, because from their own declarations, as far as they were concerned, it could not apply to them. But he really did not understand their arguments, because they were telling him every day that Rome was unchanged and unchangeable; and the next moment that certain doctrines according to the Council of Trent were obsolete. It might be, so far as they were concerned; but, then, to that extent, they dissented from the Church of Rome. But, if she did maintain those principles—as long as she did so—as long as she did not repudiate them—as long as this country possessed a Protestant Constitution and a Protestant Sovereign—so long must this country, to a certain extent, remain antagonistic to the Church of Rome; and, on that ground, so long as he aetained a seat in that House, he must vote gaint any measure which proposed to endow the system of Rome.

Sir *J. Graham:* Sir, the debate on the

third reading of this measure is now far advanced, and whatever differences of opinion there may be between hon. Members on other points, we are all agreed upon one, that it is desirable that this protracted debate should now soon come to an end. Satisfied as I am with the course of the debate on the general question, I should not have thought it my duty to intrude myself on the notice of the House, if it had not been for several observations which have been made not only on the conduct of the Administration of which I am a humble Member, but more especially on my own personal conduct, which renders it indispensable that before the close of the debate, I should offer myself to the notice of the House. Before I come to the general question, then, I will take the liberty of noticing some of those observations. I cannot but feel that it is a very painful duty to address myself to the observations of those hon. Gentlemen with whom I have acted for many years, and from whom I have on many occasions received the most cordial support. But it is more deeply painful to me to have to reply to a right hon. Gentleman sitting on this side of the House, who has thought it necessary to comment on my personal conduct towards himself. The House will naturally perceive that I advert to the speech made yesterday by the right hon. Gentleman the Member for the University of Dublin. That right hon. Gentleman charged me with neglect of the business, in which Ireland is concerned, transacted in the Department over which I preside; and almost in the same breath, and with some degree of inconsistency, he broadly and distinctly charged me with assuming to myself, as he thought, improperly, too much control over Irish affairs; and this he did in a very different tone from that adopted by the hon. Member for Newcastle-under-Lyme, in the able speech which he addressed to the House. I can truly assert that, in the discharge of my official duties, I have not, so far as I am aware, exceeded in any degree the limits prescribed to my office, nor departed from the practice of my predecessors. Most certainly, it is my duty, as Secretary of State for Home Affairs, to exercise a general control over the conduct and proceedings of the Irish Government on the part of the Cabinet of which I am a Member; and I thought I had seen in the House a growing opinion that it was highly expedient that the conduct of Irish affairs should be in the main assimilated as much as possible to the conduct of English and Scotch affairs, and to the general administration of this United Kingdom. It is not possible that this object could be effected, unless that control was exercised in one office and by the same authority; and I had the advantage, in the management of Irish affairs, of being connected with my noble Friends Earl de Grey and Earl St. Germains. With them I have constantly corresponded; and I have the satisfaction of saying, that with neither of those noble Lords have I had any difference of opinion which has for one hour interrupted the harmony of our official intercourse, and from them I have never received the slightest remonstrance against the assumption of undue authority on my part. At the present moment the hon. Member for Newcastle-under-Lyme thinks the vice of the present Administration is the weakness of the Irish Government. I have the advantage of daily correspondence on the subject of Irish affairs with the present Lord Lieutenant, who may challenge, for talents and integrity, comparison with any who ever before have filled that high office. To that noble Lord I frankly communicate the views of the Cabinet; he has exercised a most independent judgment; and I may say, not only in reference to him, but I have the satisfaction to state generally, that the whole of the Members of the Irish Government, with respect to all our measures, and more especially in reference to this measure, do perfectly and entirely agree with us. The right hon. Gentleman the Recorder of Dublin commented in a strong manner upon a former debate, respecting the distribution of patronage. There was some nameless individual connected with the law who had not, it seemed, received the promotion which it was thought he merited. The right hon. Gentleman did not explain precisely what was that grievance; but he did complain that an Englishman was appointed to hold the Great Seal of Ireland; for he said, he had reason to deplore that appointment, and to blush that an Englishman had been selected for that office. I am not aware that when Sir Edward Sugden was first appointed to hold the Great Seal, in the year 1834, there was any such poignant regret expressed by the right hon. Gentleman. I think Sir Edward Sugden is the man above all others whom we require in Ireland in that office at the present time. I am persuaded, that at no time, and under no former Administration, were law and equity ever administered more impartially, more promptly, or more ably,

than by my right hon. Friend the present Lord Chancellor of Ireland. And certainly, I must say, that I am surprised to hear it stated, from this side of the House, by a lawyer and by a Member for the University of Dublin, that he blushed when such an Englishman was selected to hold the Great Seal of Ireland. I am bound to say, that although the tone of that speech in many particulars gave me great pain, I am not sorry that I should have unintentionally offended that right hon. Gentleman, if I have given the occasion of eliciting from him what I heard with peculiar satisfaction —the renunciation, on his part, of any desire that Ireland should hereafter be governed on Protestant ascendancy principles. But it was with pain I heard from the right hon. Gentleman the awful sentence, that while he extended to other Members of the Administration the continuation of his esteem and regard, yet from me he had withdrawn all such feelings. I certainly have survived a great deal of anonymous abuse from the *Dublin Evening Mail,* and other papers in Ireland; but I deeply deplore the loss of the right hon. Gentleman's confidence, which I must endeavour to bear with equanimity and without shame; for I feel conscious that it has been in the faithful discharge of my official duties that I have incurred the displeasure of the right hon. Gentleman. I now turn to the speech which my hon. Friend the hon. Member for Birmingham (Mr. Spooner), made on a former evening; and I must say, that it brought to my recollection debates long past, and days which I thought could never be revived. In a great question of this kind, my hon. Friend said, that he entered into the discussion without reference to pecuniary considerations, and without reference to any political considerations; but that he took an entirely theological view of the subject. He said, that this was the only ground on which he condescended to argue the question, and he proceeded to quote Paley, Cappadocius, and Thomas Aquinas; the Coronation Oath and Dr. Duigenan were again introduced into this question, and formed indeed the staple of my hon. Friend's speech. My hon. Friend also reminded us that we are the Protestant Ministers of a Protestant Sovereign. The same ground has this evening again been taken by the hon. Member for Sussex (Mr. Darby). I admit that we are Protestant Ministers; and no man is more deeply attached to the Protestant Establishment than I am — none more deeply convinced that the maintenance of the Church Establishment is a great duty on the part of this House and of the State; but I must tell my hon. Friend that I am a firm believer in the great principle laid down by Burke in one of his last letters, where he says (I do not pretend to quote the precise words), that whenever in matters of State, questions of religion arise, those questions must be decided on political, and not on theological grounds. I conceive that principle to be undoubtedly sound and most wise; and I must tell my hon. Friend the Member for Birmingham, that it is now too late to refer to those arguments which he advanced on a former evening. I am sorry that the comments I made on a former speech of his, have induced him to repeat those sentiments which he uttered with reference to the religion of a large portion of his fellow subjects, whom, at the same time, he said he personally and individually respected. But the arguments which he used are the arguments on which the penal code was originally founded; and if they are worth anything, they ought to have prevailed against any relaxation of that code. They are utterly inconsistent with the grant of the elective franchise to the Roman Catholics, with the passing of the Roman Catholic Relief Act of 1829, with the admission of Roman Catholics to seats in this House, and with their admission to any administrative and corporate privileges. They go a great deal too far for the comparatively narrow purpose for which we are now contending, and are irreconcileable with the whole policy of relaxation which for the last fifty years has prevailed. My hon. Friend the Member for Newcastle-under-Lyme referred to the disturbed state of several districts in Ireland. I am unhappily not in a condition to deny the truth of that statement. It is unhappily true, that owing to the social condition of that country, crimes of an aggravated description against the person are very prevalent. But while I make this admission, it is also very important—as the demoralizing tendency of the doctrines of the Roman Catholic Church have been dwelt on—that I should in passing make another observation; and it is this—that though crimes against the person are rife in Ireland, yet, whether you look to the honesty of the men in reference to the rights of property, or to the chastity of the women in reference to morals, the people of Ireland (though you tell me that their teachers are Roman Catholic ministers) will bear an honourable comparison with the people of any part of the United Kingdom.

That crimes in Ireland do exist to a painful and alarming extent I admit; but I say that you cannot regard this question with any degree of political wisdom, without observing that the particular nature of those crimes is evidence of a diseased state of society, which is deep rooted, and sheds its evil influence throughout the community. It is not denied by the hon. Member for Newcastle-under-Lyme, that the Roman Catholic priesthood in every country, and in Ireland particularly, have great influence over the adherents to the Roman Catholic faith; and when I consider the poverty, the misery, and the distress of the great body of the Irish people, being left, as far as this world is concerned, with scarcely any hope, and with barely a sufficient subsistence, I cannot wonder that they do esteem and regard, more than any other earthly object, the consolation they derive from their spiritual guides, and that they do love and venerate their clergy. And when I hear hon. Members speak of "antagonistic principles," and when I am reminded that I am a Protestant Minister of a Protestant Sovereign, I cannot, at the same time, forget that I am the Minister of a Sovereign who has 8,000,000 of subjects professing the Roman Catholic religion, so loving the Roman Catholic priesthood, and so led by and depending on them. I say, that if that priesthood, so loved and regarded by a large portion of Her Majesty's subjects, should, from any unhappy bigotry prevailing in this country, be reviled with contumely, and treated with disregard, we are approaching a state of affairs pregnant with the utmost danger to this united Empire. My hon. Friend the Member for Sussex repudiates the word "Antichrist," and says, that it is not of Protestant origin. I care not what the origin of the expression is. The hon. Member for Dorsetshire talks of the still small voice of the Protestant clergy in opposition to this measure. I will give you a specimen of this "still small voice." I regret that words, which I am almost ashamed to quote, have fallen in Exeter Hall from a minister of the Establishment, to the effect, that the banner under which they were fighting, should bear on one side, the inscription, "The Gospel of Christ," and on the other, "No peace with Antichrist." And what was the resolution passed at the meeting to which I am now alluding? It was this:—

"That there is one fundamental principle of union in a steady abhorrence of the Roman Catholic religion."

This may be the principle of union between the Wesleyans and the Independents; this may be the fundamental groundwork of union between different parties in this House, forming a strange combination; but it is my duty to say that you cannot rely on that ground, namely, a steady abhorrence of the Roman Catholic religion, if you seek to preserve the Union between Great Britain and Ireland. I am bound to say that, with respect to this particular question, I think, from the heat of public discussion, and from the force of public opinion, it has swollen into undue magnitude. When it was first brought forward it had not assumed the aspect of importance which it now bears; but I should fail to discharge my duty, if under the circumstances in which it is now discussed, I neglected to say that it has become a question of primary importance. To the question put by the hon. Member for Dorsetshire—"What good do we expect from the passing of this measure?"—I will answer by another question, "Can any one foretel the extent of the evil which would be caused by its rejection?" The hon. Member for Dorsetshire said, that when the College of Maynooth was first established, it was supposed that it would be maintained and endowed by the Roman Catholics themselves, and that yet it had received no aid or endowment from the members of that Church. But the hon. Member must bear in mind that until nearly the end of the last century there existed impediments in the way of the Roman Catholics holding landed property; and at an earlier period they could not even possess a horse of any value. This, therefore, is an answer to the objection that they had not endowed a College; and besides, as my right hon. Friend (Sir R. Peel) observed, in opening this question, the very fact of Parliament coming forward and professing to endow this College, did prevent the Roman Catholic gentry from exercising the power which they afterwards obtained from a relaxation of the penal code, and providing out of their substance the means of enlarging this College. The hon. Member for Dorsetshire quoted the pamphlet of Dr. Duigenan, published in 1799; and he appeared to me to prove how deliberately the Irish Parliament, on a reconsideration of the question, went further in 1800 than they had gone in the first instance. What was the hon. Member's statement? It was, that while avowedly the British Government only gave 8,000*l.* to the College, on an investigation made in 1799, according to Dr. Duigenan's report, it was found

that 40,000*l.* had been given for its foundation by the British Government. This was a plain demonstration that Mr. Pitt's Government, acting through Lord Camden, did attach the greatest importance to this College. The hon. Member for Dorsetshire went on to state, that it had been ascertained that nothing had been contributed by the Roman Catholics themselves; that the institution was an exclusively monastic establishment; that, as on the present occasion, so in the Irish Parliament, the Protestant Members complained much of the part taken by the Government in favouring such an institution, and pressing for an increase of its means; that actually in the Irish House of Lords the Bill for granting it money was thrown out in 1798; and that on the whole, even at that early period, the Government of Mr. Pitt had great difficulty in giving effect to this branch of his Irish policy. This is the history of the case up to the year 1799, given by Dr. Duigenan, and quoted by the hon. Member for Dorsetshire. In 1800 the whole subject came under the review of the Irish Parliament; and did they then, notwithstanding all this hesitation, depart from the policy of the Government, or restrict the endowment? Did the Irish Parliament contemplate doing that which appears, I think, to be the object of a great number of Gentlemen who are now opposed to the measure of the Government? Was it then proposed that the grant should be entirely withdrawn? Quite the contrary; a more confiding character was given to the measure than had been contemplated by the Act of 1795. The trust in 1795 had been a mixed trust, partly Protestant and partly Roman Catholic, and the trust so composed had been invested with visitorial powers. Protestants, therefore, had a concurrent right of interference under the Act of 1795 in matters of doctrine and discipline. Now, observe! The facts, as stated by Dr. Duigenan, having been ascertained, the whole subject came under review in 1800; and the nature of the trust was changed. It was thenceforth constituted exclusively of Roman Catholics, instead of being a mixed trust for matters of doctrine and discipline; and the general visitorial power, such as was constituted for other purposes, had reference to matters not connected with doctrine and discipline. The visitors named for this latter purpose were certain great officers of State. The hon. Member for Dorsetshire went on to state, that in the Bill before the House no attention had been paid to these points, and that there was no control as respected visitation in this Bill. My hon. Friend the Member for Dorsetshire must have imperfectly considered this measure. With respect to doctrine and discipline, it is most true that this Bill does not interfere with the arrangement made in 1800, which has existed for forty-five years; and I ask the House whether, if, in proposing this measure in a beneficent spirit, and with an earnest desire of giving contentment to the Roman Catholic body, by showing on the part of the State a desire to act with benevolence to the clergy, who are to be educated as the pastors of the great body of the Irish people, we had coupled with it an interference with the doctrine and discipline of the Roman Catholic religion, we should not have defeated our object, and have caused the offer now made to be viewed as an insult, and not as a boon, by the Roman Catholics? But, excepting doctrine and discipline, we have taken effectual measures to secure the object which this Bill has in view. The primary object of this Bill is to place within the reach of the students at Maynooth, greater comforts, to habituate them to more social habits, to elevate their character, and to give them the means not only of theological instruction, but to enable them, by means of a library, and other repositories of art, to obtain a better education in general science. To effect these objects, there is given to the Executive Government the power not merely of appointing *ex officio* visitors, but the Crown is vested absolutely with the authority of nominating visitors for this special purpose; and whereas the visitation heretofore was only triennial, it must be under this Bill, annual; and visitations more frequent may also be appointed, as the Lord Lieutenant of Ireland may from time to time direct. It has been said by the hon. Member for Newcastle-under-Lyme, and the observation has been repeated by the hon. Member for Sussex, that we have had fifty years' experience of the fruits of the system of education at Maynooth; and the hon. Member for Sussex added that Maynooth had been felt, and would be felt. I admit the truth of that observation. I do not think that the fruits of the education given at Maynooth under the existing arrangement can be satisfactory. It has been said that the Roman Catholic priests have frequently taken an active part in political agitation. The hon. Member for Waterford has given an explanation of this which is quite irresistible. The Roman Catholic priests spring

from the people, they are dependent on the people, they mix with the people, and they partake of the feelings of the people. But more than this, notwithstanding their sacred education and their devotion to sacred subjects, these priests, after all, are men—they partake of the passions and feelings of men; if you treat them unkindly they will and they do resent injury, oppression, and wrong. If you treat them kindly, it is not because they are pious and devout that I can believe that they will be ungrateful; and it is my strong persuasion that if by the liberality of this grant you alter the recollections of Maynooth; if, instead of the priests looking back to the period spent there as to a time of privation, while they were told that the State was making a provision for them, they shall look back to it as to a time of comparative comfort, due to the liberality of the Imperial Parliament; my firm conviction, is, that the priests will leave Maynooth with very different feelings towards the Legislature of this country; and whereas on many occasions they are now described as being political enemies, we may then hope in many cases to find them attached political friends. The hon. Member for Dungarvon quoted the other evening a passage from a very able pamphlet written by a Roman Catholic priest on the general question of academical education in Ireland. On many points the writer dissents from the views of the Government; but on one point he is very explicit—namely, with reference to the feeling you may expect from the priesthood of Ireland if they are treated with kindness and generosity by the State. He says,—

"If the civil authority, out of its good will, shall come forward to aid by its bounty in the institution of ecclesiastical colleges, unquestionably it has a right to expect some return for its liberality; and it will be paid back with interest by the services of religion, in promoting social order through its influence over the hearts of men, where the lawgiver will find the best sanction of his laws, as it is there, and there alone, the monarch can lay the sure foundation of his throne. If the bounty of the State be a support to religion, religion is a necessary supplement to the power of the State, nay, for what it receives it renders back a hundredfold."

I have heard it stated by the hon. Member for Newcastle-under-Lyme, that the Ultramontane doctrine is taught at Maynooth. I question the accuracy of his information on that point. He says that on the whole that doctrine is prevalent; and that the Government of France at the present moment has the utmost jealousy of the influence of the Roman Catholic priesthood, notwithstanding that the Government of France has the appointment of the bishops, and notwithstanding that the parochial priesthood are paid by the State, and the Government have a concordat with Rome. I should regret if it were true that the Ultramontane doctrine is taught at Maynooth; but I put this to you—if the fact be so, is not the State now exposed to all the dangers and evils which can arise from that state of affairs? You cannot change the religion of the Catholics—you cannot diminish the influence of the Roman Catholic priesthood; and the question now is, whether you will act liberally and kindly to that priesthood, taking your chance of winning their affections, or in a niggardly spirit, which would be certain to disgust them, and alienate their affections? I am about to read an extract, as to the influence of the Catholic priesthood, from an authority which, on this side of the House at least, I think is likely to prevail. I stated on a former occasion, not only that this College was founded under the direction and with the sanction of Mr. Pitt, before the Union, but I stated also that after the Union larger measures were contemplated by that Government. The late Lord Londonderry was Secretary for Ireland when the Maynooth Act passed, in 1800. The opinion of Lord Londonderry as to the absolute necessity of placing our Roman Catholic fellow subjects on terms of perfect civil equality with Protestants never varied; but in 1810, on a Motion of Mr. Grattan, in favour of the Catholic petition, he thus expressed himself in reference to the Roman Catholic priesthood; I should state, that this passage evidently contemplated ulterior measures, to which the Bill now under discussion has no reference whatever; still it is well worthy the marked attention of the House. Lord Londonderry said—

"It might be doubted whether the influence of the Roman Catholic clergy in Ireland was not the most powerful instrument that existed in that country, to direct the minds of the people, not merely with respect to their spiritual, but their temporal concerns. How important, then, to the peace as well as social and moral improvement of the country, that the clergy of so large a proportion of the people should be connected with the State by every tie of common interest which may be compatible with the principles of their religion, and the character of its ministers! When he expressed his desire to see such a connexion established, it was not in the expectation of imposing upon them any unbecoming or unworthy influence which might lower them in

the minds of their own people, and disqualify them from the due discharge of their sacred functions. It was no part of his purpose to endeavour to extinguish the Roman Catholic religion in Ireland; he might lament the extent of sectarianism in the Empire, as adding largely to the difficulties of governing it, but he was sure any attempt at this time to disturb the faith and habits of a people long attached, under every difficulty, to their religion, was equally unwise and impracticable. His wish was, therefore, not that they should cease to be Roman Catholics, for if they did, they probably would cease to have any religion at all, but that they should continue to be sincere, but liberal, Roman Catholics, connecting themselves with their own Government for purposes of mutual benefit, to the exclusion of all foreign connexion."

Sounder or wiser opinions in reference to Irish policy have never been propounded; and, as far as I am concerned, I have an earnest desire in every situation in which I may be placed, whether as an independent Member of this House, or in the service of the Crown, to give effect to those opinions and that policy. Now, Sir, I am asked, what is the direction which the measures of Her Majesty's Government will take? To that I answer, that the present measure is one not in itself of so much practical importance, in the direct effects to be produced by it, as in the indirect operation which, in my belief, it cannot fail to produce upon the hearts, the affections, and the opinions of the Irish people. The measures which Her Majesty's Government contemplate and desire may be well expressed in the exact words of Lord Grenville, immediately after the Union, when a similar question was put to him. He said—

"The measures contemplated by Her Majesty's Government, were measures for conciliating the warmest affections of the Irish people, whose interests and feelings must be consulted, and for ensuring the success of the system of unreserved benevolence and kindness towards the great body of the people of Ireland."

That is my answer to the question. It is impossible to forget that the great body of the Irish people are Roman Catholics; and as to the principle of regarding them and their religion with steady abhorrence, I think it one which is incompatible with the peace and safety of the State. Such principles cannot be maintained with safety. I say that every ground of policy forbids it; and if we put it on other ground, the highest of all grounds, the ground of religion—what was said by Mr. Grattan on that point occurs to me at once—

"I will try your doctrine, I will put it to you in the shape of a Protestant clergyman addressing a Protestant audience, 'Do unto others as you would have them do unto you; love your neighbour as yourself, nay, love your enemies; and may the Almighty incline your hearts to hate and to despise the Christian ministers of a large body of your fellow subjects!'"

How did Mr. Grattan go on to apply this religious doctrine? He said you sought your principles of government from a place that shall be nameless; that in the precincts of Bedlam worse policy could not be found. I agree with him. It is not a Christian doctrine; it is not a politic doctrine; it is quite possible to maintain Protestant institutions, a Protestant Government, and a Protestant Crown, and at the same time to be actuated by the utmost generosity and the utmost benevolence to our Roman Catholic fellow subjects. We are told distinctly, that endowment they would not receive; endowment is not tendered to them; this particular boon we know that they desire; this particular boon we know they will accept; my belief is, they will accept it gratefully, and their gratitude will be productive of the greatest advantages to the United Empire. I might go further, but after so protracted a discussion I think I have said enough to show that no Minister of the Crown ever propounded a measure with a more conscientious conviction he was discharging his duty; and although I deeply deplore that so many of my Friends—kind and intimate Friends—on this side of the House, disapprove of the course I am pursuing, still I must say, that I should basely betray the confidence of my Sovereign, and the interests of the nation, at this moment, if I failed to recommend this measure. It occurs to me that it may be said this measure is extorted by fear. I absolutely deny it. Instead of a public benefit, it would be a public curse, if Government brought it forward on such a ground. On a former occasion I demonstrated from dates and facts that this is impossible. The hon. Member for Newcastle has asked us, why we do not put down Ribandism and the monster meetings in Ireland? I say, we have exercised the law firmly in opposition to the Riband system, and that we did inflict the punishment of the law on those who were convicted of violating it. We did not propound any measure of this kind till we had succeeded in demonstrating that the law is strong enough to deal with everything that is dangerous of this description. I gladly

avail myself of this opportunity before I sit down, to state that I entirely agree with the hon. Member for Newcastle in his testimony as to the conduct of the Protestant people of Ireland in 1844. Their conduct was most exemplary and praiseworthy. A high degree of excitement prevailed, and the temptation was great to resume their customary Orange processions at that particular time. The Protestant clergy did their duty on that occasion. They interfered to prevent those movements, and by so interfering probably prevented collision; I gladly pay them this tribute; but I must say, for the sake of the peace and prosperity of that country, it is necessary carefully to consider the causes of national discontent, and to go to the root of the evil; and I believe the best means, under present circumstances, is to satisfy the just expectations of the Roman Catholic hierarchy and the Roman Catholic people, in aiding the education of the Catholic priesthood. This is a boon which they will accept, and because they are willing to accept it—because it is proposed, not from fear but from a love of justice and a sense of policy—on these grounds, with earnestness and sincerity, I press this measure on the favourable attention of the House.

Mr. *Sheil:* There are circumstances connected with the first establishment of Maynooth, having no sort of concern with the question of contract, of which the House has already heard enough, to which the remarkable speech of the First Lord of the Treasury, made in the 19th of April, induces me to refer. In the fourth volume of the Correspondence of Edmund Burke, which was published last year by Lord Fitzwilliam, I find in page 321 the following words:—

"If that business is conducted as it ought to be (or merely as it will be, if the hands of jobbers are kept out of it), I expect more good from it than from anything which has happened in our age."

What was it from which the great Irishman expected so much good? How many men there are who adore the name of Burke—who consider him the saviour of England, who believe that it was by his surpassing genius that revolution was stayed in its career—who denounce the enlarged and permanent endowment of Maynooth? They will be surprised to learn that it was in reference to that seminary that Edmund Burke expressed himself in the language of unqualified commendation. I have read those words from a letter written in 1795 to Dr. Hussey. Dr. Hussey was the first president of Maynooth, and was afterwards Catholic bishop of Waterford. He was a man of great ability and accomplishments. The Duke of Portland, at the instance of Edmund Burke, sent him to Ireland, with a view to the conciliation of the Irish Catholics. At a period of great public hazard, and when their fidelity was the subject of exceedingly anxious surmise, great value is to be attached to the correspondence of the great statesman and of the Catholic priest: both were thoroughly acquainted with Ireland. Although Edmund Burke was a Protestant, and educated in a Protestant University, he had lived from the earliest period of his life with Roman Catholics; he had the most intimate cognizance of their feelings. He has left us, indeed, in his writings on Ireland monuments of wisdom, by which all that has since been written or spoken is immeasurably surpassed. Dr. Hussey had, of course, a perfect acquaintance with every particular connected with the 3,000,000 (we were then but 3,000,000), to whom he himself belonged, and of whom he was in some sort the representative of the negotiation which ensued. The greatest alarm for the safety of Ireland is expressed in the correspondence of the two friends. When an Irish Catholic ventures in this House to speak of the hazard to which bad government exposes the country, his warnings are mistaken for menaces; his predictions are affiliated on his desires. But when you find the utmost apprehension expressed in letters never destined for publication, and written in the confidence of personal regard, you must needs believe that the writers were sincere, and that to their opinion great attention is to be paid. The Government of 1795 had contemplated two measures for the conciliation of the Catholic people and the Catholic Church; a farther relaxation of the penal code, and the establishment of Maynooth. The first project was suddenly abandoned, to the great dismay and the great grief of Edmund Burke; but to the second the Ministry thought it judicious to adhere; and, feeling the incalculable importance of reviving the attachment of the Catholic Church, Edmund Burke found some equivalent for the loss of Catholic Emancipation; and in answer to a letter from Dr. Hussey, in which he communicated the fact, that all the arrangements regarding Maynooth were completed, he

expresses himself in the words which I have quoted. Edmund Burke does not appear to have thought of the amount of the grant: it is just alluded to—he did not see the mere cipher from the great height on which he stood; he looked into future results. He perceived that a great principle of conciliation had been deposited, and in the seedling beheld the oak. He was confident that a great effect would be produced upon the Catholic clergy, and events soon arose by which his anticipations were confirmed. Theobold Wolfe here embarked in his extraordinary enterprise. The Member for Newcastle adverted to the memoirs of that remarkable man, but for a purpose very different to that for which they ought to be employed. A French fleet, with several thousand men on board, was for several days anchored in the Bay of Bantrey, and a landing would have been effected but for that very Grouchy, for whom, on the 18th of June, Napoleon turned his glass so often to the horizon, and turned it, thank God! in vain. The rebellion of 1798 followed; it was put down just as every rebellion will be put down—but at what a cost of treasure and of blood! and how fearfully answerable to God are the men by whose misrule, by whose fatal procrastinations, and by their sacrificing of country to party, those horrible calamities were produced! Why do I refer to those unfortunate incidents in the history of my country? Because in the crisis of England's destiny, the Catholic Church was unalterably true, and of its loyalty no doubt can be entertained. I pass from the year 1798 to the year 1824. During the whole of that interval, the Catholic clergy did not take any active part in any political proceedings; but when the Catholic Associat on was formed, the priesthood felt the influence of that great political confederacy. But it was not at Maynooth that the sacerdotal agitation began; it commenced at Carlow College, of which Dr. Doyle was the president. That most eloquent ecclesiastic, whom injustice had such cause to dread, was not educated at Maynooth: he received his instructions at Coimbra, and was an Augustinian friar. His writings produced an extraordinary sensation: some of the tenets were startling. He went so far as to affirm that, in the event of an invasion the Catholic clergy were not to become the auxiliaries of the State. The Doctor of Coimbra was at once encountered by the professors of Maynooth. Let those who tell us, without the slightest warrant for the imputation, that the students of Maynooth are lectured, in disloyalty and graduate in treason—let those who assure us that the Jesuits have established a polytechnic school at Maynooth, in which dogmas subversive of allegiance to a Protestant State are broached, hear the following solemn declaration, signed by the professors of Maynooth, of their own mere motion, when they had no favour to expect from the Government, and when they could not have been actuated by any other motive than a sense of moral and religious duty.—[Here Mr. Sheil read a protest from several professors of Maynooth against the doctrine that resistance to the Government was justifiable.] Surely, surely, this document published under such circumstances—published during the great struggle for emancipation, ought to convince the honest antagonists of Maynooth that they have been doing it wrong: with respect to the more dishonest of its opponents, all remonstrance with them is vain. You may refute them again and again—again and again you may destroy their "web of sophistry," their stores of misrepresentation are inexhaustible, and with an instinct which they can scarce restrain, they are sure to return to their natural occupation. I do firmly believe that no political opinions have ever been inculcated at Maynooth which are at all at variance with the doctrines expressed in that important Protest. Much has been attributed to Maynooth, which ought never to have been ascribed to it, and which ought to be imputed to causes wholly different. A student at Maynooth hears little or nothing of politics; when he leaves Maynooth and enters the Church, he mingles with the people; in the midst of a great epidemic he takes the contagion, and propagates it; but for this result, Maynooth is not in any degree responsible. What Maynooth was in 1824, Maynooth continues to be, and verifies the view taken by Edmund Burke at its first foundation. The Catholic bishops were grateful for the first grant; they are, the great majority of them at least, grateful for this large and liberal endowment. The professors of Maynooth have signified their sense of the merits of this measure; and I am convinced that among the great body of the people, the same sentiment prevails. It is most gratifying to find that against this measure

there has not been in Ireland any strong Protestant demonstration. The representatives of the University of Dublin, indeed, have spoken strongly against this Bill. I do not, however, regard these gentlemen as speaking the sentiments of the chief proprietors of the country, who are anxious for peace, and look to measures of this character as among the means by which the security of property can be confirmed. I believe that most of the Protestant gentry in the south and west of Ireland agree in the opinions expressed in a petition signed by almost every gentlemen of rank in the county of Galway. I observe among other names that of Mr. St. George, who is a Conservative and something more, and of Mr. James Daly, the brother of the rev. divine who was created Bishop of Waterford by the right hon. Baronet, and has proved the justice of an old Ministerial observation, that the first thing a bishop does is to forget his maker. While I feel confident that this measure will be welcomed in Ireland, I must admit that here it has met with vehement resistance. I have been condemned for complaining of the conduct of the Dissenters. Sir, I said—and I do not retract the observation—that it would be a great calamity if the people of Ireland had cause to think that the policy by which Ireland is to be governed was to be regulated by the religious prejudices or predilections of any portion of the English people. If the interests of one country are to be sacrificed to the passions of the other, there is an end to any real union. But having said thus much, I think it right to add, that so far from cherishing any feeling of resentment, whenever the Dissenters seek relief from any grievance by which they are still galled, I shall think a little less of Popery, and a little more of church rates. I make no doubt that every Catholic will support them, and that any wrong they have done us, will be remembered only that it may be forgiven. I think it right also to say that they do not grudge us the 26,000*l.* a year, on account of the magnitude of the sum, but on account of the purposes to which it is applied. They have been led to think that in Maynooth doctrines are taught at variance with virtue. This House has a strong and most just disrelish for all theological disquisition: not that this House is godless, or indifferent to truth, but that truth is not the object of disputation; and in the onset of conflicting controversialists, charity, which ought to part them, is wounded, and trodden under foot. Upon the doctrine of the Catholic Church, I shall say nothing; I once ventured to say to an hon. Member of this House, that I should leave him "to rush in, where angels fear to tread;" and I own that I do not see anything in his recent conduct which should induce me to follow his example. But while polemics are to be avoided, it is right that some of the odious instrumentality which has been resorted to in order to influence the public mind, should be exposed. My hon. Friend the Member for Durham, who votes in favour of this measure, gave me a document which the opponents of Maynooth had actively and extensively dispersed, in which the principal charges against Maynooth are contained. This circular is a specimen, and upon this specimen I shall make but two observations. [Here Mr. Sheil read a document, imputing to Maynooth doctrines contained in writers, who, Mr. Sheil insisted, are not read at Maynooth.] Such are the expedients by which fanaticism imposes upon credulity, and labours to propagate the belief that Maynooth inculcates a latitudinarian morality in reference to the obligation of an oath. Every opinion taught at Maynooth is to be found in Paley, and in Saunderson, who was Regius Professor in the University of Oxford. If I am asked, whether I am prepared to defend every opinion contained in the text books of Maynooth—I answer, that I am no more prepared to do so, than to defend every thing in Coke's Commentary upon Littleton—or every thing contained in Blackstone, in his distinction between *Malum Prohibitum*, and *Malum in se;* nor do I conceive that Maynooth is responsible for all that is to be found in the books which are read in the course of its studies. The text books must be taken in conjunction with the lectures of the professors; and if it be alleged that, by the professors, any criminal or intolerant doctrine is taught or even broached, let a Committee of Inquiry be proposed by the Gentlemen by whom that allegation shall be preferred; and every Catholic Member of this House will vote in favour of the Motion. There is only the remaining charge against Maynooth to which I shall advert: it is insisted that books of casuistry, comprising details of depravity, are read at Maynooth. This accusation is preferred by Gentlemen who know the sixth book of Juvenal by heart.

Sir, it is perfectly true, that books of casuistry, like books of criminal law, contain things from which delicacy recoils: the system of auricular confession involves the necessity of investigating the worst parts of human nature. The surgery of the mind, if I may use the expression—the dissection of the heart, in the state of decomposition in which the casuist must open it, is unavoidable; but I believe that in the process a train of licentious thought is seldom or never awakened. I am persuaded that no practical evil has ensued; and it is by the results of Maynooth College upon the minds of the clergy and the people of Ireland, that the merits of Maynooth are to be tested. I venture to assert, and I am satisfied that I shall not be contradicted, that there is not a more moral body of men in the world, than the Irish Catholic clergy who have been educated at Maynooth. I do not desire to make any invidious comparisons—nay, I will at once acknowledge that the Irish Protestant clergy are men of most exemplary conduct—excellent in all the relations of private life. The sinecurism of the Church I utterly condemn; but to the merits of the individual members of the Church I readily bear my testimony. But the Catholic clergy are most assuredly not inferior in any one moral regard. With celibacy and its privations is associated unblemished and unsuspected virtue; and whatever opinion you may form regarding the interposition of the priesthood in politics, I believe that there exists but one opinion with respect to the purity of their lives, as well as the zeal with which they perform their religious duties. In considering the results of Maynooth, it is right that we should look at the moral condition of the people over whom the clergy exercise so great an influence. I assert that the Irish are a moral people. I think that it will be universally acknowledged that among the peasantry of Ireland, there is less female frailty than in almost any country in Europe; and that as daughters, wives, and mothers, the women of Ireland are entitled to the most unqualified encomiums. Among men and women the domestic virtues exist in the most eminent degree; and in affection to each other—in attachment to their "flesh and blood," to use their own powerful language, at even remote degrees of consanguinity, they are unsurpassed. Sir, the people who are capable of these things are not an immoral people; and the clergy under whom their character has been framed, are not so vitiated by books of casuistry as their antagonists pretend. There are great crimes committed in the disturbed districts of Ireland; but those misdeeds are much more the result of agrarian disorganization, than of deep-rooted national depravity. Murder is not lucrative—atrocities are appalling, but they are not mean; nor have they their origin in that source of turpitude—in that thirst of "blood and of putridity," to use Dante's famous phrase, from which the crimes of a great metropolis are derived. But whatever estimate you may form of those outbreaks of terrible revenge, which are, however, confined in a great measure to districts peculiarly situated, it is certain that those enormities would be augmented tenfold, but for the interposition of the Catholic clergy. For the last thirty years, every Secretary for Ireland, of every party, has concurred in stating that in the maintenance of order, the Catholic clergy had used the most indefatigable efforts, and that the public gratitude was due to them for their successful exertions in the repression of atrocity. These are the facts on which I rely. These are the facts which no eloquence is required to set off, against which no eloquence can prevail. These are the facts which more than justify the measure of the right hon. Baronet; conceived in justice—free from offensive conditions in its details—carried out, despite of great obstacles, with a most courageous perseverance; and I do not hesitate to aver, that if all his other measures shall be in keeping with this—if he shall legislate with the same view to the interests of a great country, and not the passions of a small party—if he shall carry out the great principles on which this measure is founded, he will not only make reparation for every former error, but will, beyond doubt, acquire a permanent title to the gratitude of the Irish people.

Mr. *Plumptre* entreated Her Majesty's Government to accede to the proposition of the right hon. Gentleman, and grant a Select Committee to inquire into the class books of Maynooth. If they did, he would be prepared to move it, as an Amendment, on the Question that the Bill do pass. He had several times invited them to investigate the subject; but he had been always met with refusal, on the ground that they would not interfere with the discipline of the College. That system of non-interference was one of the gravest complaints

made by the Protestant people of England against the Bill; they could not understand how they should be called upon to endow a Roman Catholic College over which the Government should exercise no control. He believed the right hon. Gentleman (Mr. Sheil) was not quite correct in his statement that the books he mentioned were not class books in Maynooth. The right hon. Home Secretary (Sir J. Graham) had alluded to a remark made at Exeter Hall—that Protestants should preserve a steady abhorrence to the Roman Catholic religion; and he had argued that it would be impossible to keep peace between this country and Ireland if that was to be the case. But it struck him with surprise that the right hon. Gentleman did not perceive the difference between abhorring the Roman Catholic religion, and abhorring the Roman Catholics. Though he expressed strong opinions—and none stronger than he felt on the subject of the Roman Catholic religion—he repudiated and disavowed any feeling except love for his Roman Catholic fellow subjects. It was the same sentiment that caused the present great movement against the measure of the Government all over the country. Her Majesty's Government, by persevering in the Bill before the House, had, as the hon. Member for Newcastle truly stated, committed three grave errors; they had, in the first instance, not pacified Ireland by it; in the second, they had outraged the religious feelings of England; and, in the third, they had created a powerful party against them as a Ministry. He deeply deplored the course they had taken in this instance; but, in the name of the Protestants of this great country, he felt it to be his duty most solemnly and most religiously to protest against it.

Mr. Sergeant *Murphy* could assure the House that if they would bear with him for a short time he would not inflict a speech on them. When he came down to the House that evening, he had no intention of addressing them, and he should not have done so but for the personal allusions which had been made to him by the hon. Member for Newcastle-under-Lyme. In the charges brought by the hon. Member against his countrymen, he said that there was a degree of bigotry manifested on the part of those professing the Catholic religion in that country which could not be surpassed. The hon. Gentleman said that there was a system of proselytism going on in Ireland, on the part of the Protestant clergy, which, under the bigoted influence of Maynooth, involved in bitter persecution the Protestant clergy and their flocks; and the hon. Gentleman had favoured the House with sundry extracts from the report of a late trial at Tralee, in support of his assertions. When that book was quoted by the hon. Member, he (Mr. Sergeant Murphy) had cheered, and he would proceed to give some little bits of evidence from the same book, which would alone explain why he had cheered, and show that the system of undue persecution was not, at all events, all on one side, but that on the Protestant side there were persons who, under the semblance of religious zeal, had actually resorted to pecuniary means of debauching from the faith of their fathers the meanest and most ignorant of the community. Nothing, let him first remark, could be more utterly unfounded, in point of fact, than the aspersions cast upon the Roman Catholic priests in this respect; he had himself been brought up among that body, and he could affirm, from his own knowledge, that it was a principle with them that the conscience and belief of every man should be held sacred. Now, to the report of the trial: the Catholic priests were charged with undue proselytizing: what evidence about the proceedings of the Protestants appeared on this same trial? First, there was the case of a man, with a wife and five children, who had been converted to Protestantism by money given in hand, and work furnished to him by a Protestant proselytizer; and the convert himself stated that so little had he been influenced by any other considerations, that when the money became scarce, and the work was no longer supplied him, which events followed immediately after the proselytizer thought he had secured the convertite, he and his wife and his five children returned to the faith which they had never in heart relinquished. That was one specimen of Protestant proselytism. Next came the case of another Protestant proselytizer, who, on being questioned, admitted he had deceived two old ladies of the Protestant persuasion; and the name of one of these deceived damsels was of singular significance: when the questioner proceeded with his interrogatory. And what was the name of the first of these old ladies that you deceived? "Mrs. Peebles," was the reply. And Mrs. Peebles, when she was

interrogated as to what had been done to her, said they took her to a church she had never been to before; and when she was asked what had induced her to listen to the voice of the tempter, said it was necessity compelled her, and the desire to keep her place. He (Mr. Sergeant Murphy) was aware that ill-disposed persons had suggested of him that he sometimes interpolated passages in his extracts; but on this occasion, at all events, he added nothing, and he would deposit the document he quoted with the clerk of the House, so that any Member might satisfy himself on the matter. Another Roman Catholic convert, a fish joulter (the hon. Member for Kerry, if he were in his place, would explain the term), on being asked what had secured him for a proselyte, very fairly owned that he had been worked upon by the promise that if he went regularly to church for a year and a half, he should have 5*l.* 6*s.* given him to buy a horse with, being at so much per church attendance. He had, it seemed, fulfilled his part of the bargain; but the proselytizing clergyman failed in his payment, and when the convert went to a barrister to have process issued against the rev. gentleman for the amount, he was informed that his immortal soul was a *nudum pactum* in law, and that he could not recover upon it. A fourth convert being asked what had induced him to lapse from his ancient faith, returned for answer, "Why my belly, of course; it was empty, and they promised to fill it if I would go to church, and so I went." Having given these little illustrations of what was doing in the way of Protestant proselytizing, he would not take up the time of the House any longer.

Mr. *Ferrand* would not occupy the attention of the House for more than five minutes; but before the House divided on this important question, he wished to call to the recollection of the Government, and to that also of some hon. Members not belonging to the Government, the advice given by the right hon. Member for Tamworth while he was in Opposition. When that right hon. Baronet found himself in a minority in the House of Commons, he appealed from the House of Commons to the people of England, and he said to them, "You must fight the battle of the Constitution in the Registration Courts." What was the result of that declaration? A House of Commons was returned, the majority of which proved to be Conservative, and that enabled the Member for Tamworth to drive the Whigs from office. The majority—the Conservative majority—of ninety placed the right hon. Baronet at their head; they made him their commander, and he betrayed them; he led them into the midst of the enemy's camp; he was the Maroto of Conservatism. It was necessary to state these things plainly and openly; and he did not hesitate to make the declaration fearlessly, that he believed the battle of the Constitution must again be fought in the Registration Courts; that with the Whigs in opposition it would again be fought in those courts, and that its effect would be to drive the Conservatives from power. As sure as a dissolution of Parliament came, so sure would the traitors meet with their deserts. To those few remarks he should have limited what he had to say, were it not for an observation which fell from the hon. Member for Dungarvon. That right hon. Gentleman told the House that there was no Protestant feeling in Ireland on the subject of the grant to Maynooth; and the right hon. Gentleman called the attention of the House to a meeting of Protestant gentlemen which took place at Galway as a proof that many of the Protestants of Ireland were favourable to the grant; and in fact the right hon. Gentleman made use of the report of that meeting to show that the Protestants of Ireland were in favour of the measure. Now he happened to have a letter on the subject from Mr. St. George, a name which they all respected. The letter was dated from Dromore, in the county of Tyrone. ["Oh, oh."] It was not the Mr. St. George whose name had been previously referred to, but a different person. He knew it was not the same person; but he was not surprised that the mention of the name should produce so much excitement on the Treasury Bench. The letter from Mr. St. George was in these words:—

"*Dromore Rectory, Omagh, April* 24, 1845.

"My dear Sir—You will pardon the liberty I take in requesting that you will have the kindness to present the petition which I have forwarded to you against the Maynooth grant. Our county Members, Lord C. Hamilton and Mr. H. Corry, have cast off those principles of Protestantism which alone sent them to Parliament. Like Demas, they have forsaken the truth, having loved this present world; and though noble born, both have not been ashamed to become part of 'the organized hypocrisy.' Lord C. Hamilton exhibited, in

his last reported speech, a most strange and gratuitous perversity. He greatly deceived the House when he said that there was comparatively no excitement on the subject in Ireland; that the clergy felt little alarm; and that petitions only came from the Dissenters. The direct contrary, in every case, is the truth. But perhaps he may know more of this if he again offers himself a candidate for Parliament. The petition is signed by above 1,000 names. I enclose one of the notices by which our meeting was held, to show by the date that it emanated from ourselves, and was produced by no call made upon us, either in London or elsewhere. Again entreating your forgiveness for thus intruding myself on your time, and assuring you how sincerely I admire your talents, integrity, and zeal,

"I remain, most truly yours,
"HENRY LUCAS ST. GEORGE."

That, continued the hon. Gentleman, was the authority of a Protestant clergyman. He hoped, then, they would hear no more from the Members of the Government or other hon. Gentlemen that the Protestants of Ireland did not feel strongly upon that question. One word more, and he would have done. He was aware that the Protestants of Ireland had not expressed their sentiments on this measure in the way they would have done if it had been proposed by the right hon. Gentleman opposite. They were disgusted with the conduct of the Government, and they had been betrayed. What said O'Connell to them? He told them that they had trusted the Conservatives, and they had betrayed them, and would betray them if they continued to trust them. They had as much right to believe O'Connell as they had the right hon. Baronet at the head of the Government. His (Mr. Ferrand's) firm conviction was, that they would find more political honesty and more political integrity in Mr. O'Connell, than they would in the right hon. Baronet. O'Connell was faithful to the party who had trusted him, and placed confidence in him. He had never betrayed the Repealers; but they (the Ministers) had betrayed the Protestants of England—the Protestants of Great Britain and Ireland. What was more, they had betrayed the party that sat on the benches behind them. Many hon. Gentlemen who sat behind Her Majesty's Government had been induced to give them their support in bringing forward this measure, under the belief that they would not compromise their seats thereby; but he could assure them they would find the reverse to be the case. He had been to the north of England during the Whitsuntide recess, and he had never before seen a more firm determination exhibited among all parties—Churchmen and Dissenters—to visit with due severity those who had betrayed them, and inflict due punishment upon them if they should ever show their face among them.

Captain *Layard* said, he considered himself fortunate to have fallen under the observation of the Speaker. For standing there as an Englishman, a Protestant, and an Irish Representative, he should have considered himself unfortunate if he had not been allowed to express his opinion. But before doing so he could not help referring to the speech made by the right hon. Gentleman the Recorder of Dublin. In that speech, the right hon. Gentleman had thought proper to tell the Prime Minister that he had acted unwisely in stating, as he did upon first coming into office, that Ireland would be his chief difficulty. Now, in his (Captain Layard's) opinion, the right hon. Gentleman had acted wisely in so doing. And when he made that prophecy, there was little doubt it would be fulfilled. Ireland had been a difficulty—was a difficulty—and would remain a difficulty until many more measures of a like complexion to the one under consideration were carried. And he (Captain Layard) would like to know if the hon. Recorder, or any other person, would have thought the right hon. Gentleman fit for a Prime Minister of this country, if he had not so considered it. Now, in his opinion, though the difficulty of governing Ireland might be great, that difficulty was greatly enhanced when the right hon. Baronet found every liberal measure thwarted by many of his own supporters. For his own part, he thought it a very affecting scene. When the Recorder took leave of his old loves—when he parted with that gay Lothario, the Prime Minister—who, though he had taken many liberties, he was determined should not entirely seduce him—whom with maiden modesty he parts with at the church door, but still casting one lingering look and giving one endearing word at this sad parting, said—

"This leave taking was such sad sorrow,
He could say farewell until to-morrow."

With his other love, he seemed to have parted with less pain. Indeed, he had stated, that honeyed words had been used only long enough to betray him. He then spoke of sitting on a different side of the

House to the right hon. Baronet, and that accounted for his having benefited by the advice given in the adage—

"It's good to be merry and wise,
It's good to be honest and true,
It's good to get rid of your old love
Before you begin with a new—"

thus hinting at a political suicide: still the gay Lothario need not be afraid, for it was proverbial that those who talked of those things seldom performed them. Take, for example, that pattern of patience and humility, the hon. Member for Shrewsbury, who "sits like patience on a monument"—not only with the leader, as he is pleased to term him, but with those who, as he asserts, form an organized hypocrisy. But, if the right hon. Baronet, amongst his other accomplishments, was musical, he might know that celebrated tune, "Whistle and I'll come to you, my lad;" and perhaps it would be found efficacious enough to bring back, not only the right hon. the Recorder, but others of the lost tribes of Israel. He should refer no more to the right hon. the Recorder, who seemed like the gentleman in the *Pilgrim's Progress*, up to his eyes in the slough of despond, where for the present he must remain; for though he evidently, of his two loves, liked Betsy Peel better than Mrs. Gamp, yet it seemed he was unlike the bold captain in the *Beggar's Opera*. For the right hon. Gentleman had stated—

"That he could not be happy with either,"

Even

"Were t'other dear charmer away."

He (Captain Layard) thought the right hon. Baronet had acted honestly, wisely, and boldly, in bringing forward this measure. He, for one, confessed he had rather it had been carried by the noble Lord the Member for London. He, unlike the right hon. the Recorder, had no reason to quarrel with his first love; but, at the same time, he felt he should be ill doing his duty to his constituents, to Ireland, and, indeed, to England, if he did not give his support to such measures, come from what source they might. He would be no true friend who dashed the cup from the lips of the parched traveller in the desert, be it offered by what hand it might. Nay, more, he felt that gratitude was due for seasonable relief, or even a desire to afford it; and he for one would not be found wanting. Some hon. Gentleman had complained that 30,000*l.* had been granted; for his part, he thought England would be well off if, by paying thirty times 30,000. she could impress upon the Irish people that it was her firm determination to act fairly and justly by her. We might talk of the crimes and disturbances in Ireland, which were greatly to be deplored; but he stated boldly—because he felt convinced of the truth of the assertion—that if Scotchmen or Englishmen had suffered one-tenth of the misery that the people of Ireland had undergone, there would long ere this have been a far more bloody rebellion than there had been on a successful revolution. He could bear witness to the unremitting and untiring zeal of the Irish priesthood. Differing from them as widely as he did, he could not help bearing his testimony to the zeal with which their labours were performed. He wished it was the habit of English Members to visit Ireland more than they did. He felt convinced a knowledge of the people would make them see more clearly than unhappily at present many of them did the stern necessity for more liberal measures. He (Captain Layard) deeply regretted the outcry which had been raised in England against this measure; it in a great measure destroyed its value; but for that the Ministers who brought it forward were in no wise answerable. For his part, he believed the Prime Minister of this country would enjoy the reward of having conscientiously fulfilled his duty under most trying circumstances. He believed such a consciousness would support the right hon. Gentleman, even should fearful phantoms appear in the shape of hon. Members for Knaresborough and Shrewsbury, comparing him to Judas Iscariot, and the leader of an organized hypocrisy. He, for one, gave cheerfully his support to this measure, trusting, and indeed believing, that it was only the herald to others which would be found to bear the same stamp of boldness, wisdom and liberality.

Lord *F. Egerton* stated, at that late hour he felt both physically and morally incapable of addressing the House at any great length. He was not like the hon. Gentleman who had just sat down, an Irish Member, but an Englishman and a Protestant; and in that character he ventured respectfully to protest against the speeches of the hon. Members for Knaresborough and Kent, in which they represented themselves as speaking on this occasion the views of the Protestants of England. He would not take upon himself to

say that the Protestant voice was raised in Ireland against this measure; but he did say that the Protestants of England were far from unanimous in opposing it. Speaking as the Representative of a considerable portion of this community, being in communication with his constituents, and entertaining deep respect for sincerity, wherever it prevailed, though he knew there was considerable opposition to this measure, though he knew it originated in some of the best and most deeply rooted of the principles and feelings of our nature, he yet denied, and he protested against, the assumption that there existed any such feeling as that which the hon. Member for Kent had described, throughout the county which he represented. With respect to the speech of the hon. Member for Knaresborough, there was nothing in it which he felt called on to notice or answer; but he might be permitted to state his belief that the hon. Gentleman, in adducing the name of Mr. St. George, spoke of a very different person to the Mr. St. George alluded to by his right hon. Friend the Member for Dungarvon. No doubt the Gentleman quoted by the hon. Member for Knaresborough was an authority of high respectability; but any Irish Gentleman must be aware that the Mr. St. George quoted by his right hon. Friend was entitled to the highest consideration as a resident Protestant proprietor. He spoke that of his own knowledge and recollection. But the speech of the hon. Member for Knaresborough, which he was led to notice, was one delivered on a former occasion, when he was not present. He had no answer to make to it; but the hon. Member then did him the honour to quote a former speech of his, in which he had reflected with more animosity than perhaps the occasion could justify on a speech of the hon. Baronet the Member for Nottingham (Sir J. C. Hobhouse), or rather what he thought had been intimated by that hon. Baronet in a speech delivered by him on some public occasion. He believed his observations on that speech had been quoted correctly enough, and, therefore, he had nothing to complain of; but he had to state to the House that he now believed he was totally unjustified in point of fact in making those comments, inasmuch as he had since ascertained the hon. Baronet never uttered any expressions which would bear the interpretation which, of course, he had put upon them. With regard to the question before the House, he would now beg to offer a few observations. He believed that if anything had occurred in the debate to mitigate or change his feelings, the able speech of the hon. Member for Newcastle had gone much further to strengthen his own opinion. Much of that speech was occupied by delineating a very able picture of the present state of Ireland. While listening to it the question necessarily suggested itself, what were they about to do in such a state of things—a state without parallel in the civilized world, with the single exception, perhaps, of Corsica. What did the hon. Member say they ought to do? To administer and enforce the law. He did not believe there had been any Administration since the Union which had not been actuated by a sincere desire and intention to enforce the law, though they might have failed from want of judgment or ability. But if that was the sole remedy offered by the hon. Gentleman for the present state of Ireland, he must say he thought discussion on the subject was idle. It had already been tried, and therefore, if that was all he had to propose, there was no use in discussing it. If they were to treat these things in the manner proposed by hon. Gentlemen on his side of the House—if they proposed to administer the affairs of Ireland on the principles which, in his opinion, were better fitted for the government of those who encamped in the wilderness and relapsed into idolatry, he thought it would be safer and better if they felt bound, *in foro conscientiæ*, to act on those principles, to abandon at once the dominion of that country. He would not speak of Repeal. He thought it a mischievous proposition, and an idle remedy. He thought they should go further than Repeal, if they were to carry out their principles to their ultimate and legitimate end and object. But were these principles fitting for the Administration of a country which included in its dominions Malta, Canada, Mauritius, India, and similar dependencies—countries "whose self the convex globe intrudes between," and which were placed beyond the sphere of all but a statesman's vision? He could believe that the pulsation of the great heart of England would be still unimpaired, though the National Anthem which, to use the expression of a figurative American, "girdles the earth with its music," might suffer interruption in the continuity of its chime; though the flag might be hauled down from the heights where it was planted by Wolfe; and that country which Clive had acquired and Wellington extended, might be restored

to the domination of its former savage tyrants. He believed that England, which rose like a giant from the loss of half a hemisphere in America, might survive that blow also, though she would feel it. Political economists might even tell them that the mother country would be the better for that result: not such was his belief; but he had never yet seen a page written by political economists which told him they might strike Ireland from their Empire, or that they could place that island in a hostile or unfriendly position to their flag, and the last page of the history of the glory of this country be not turned over for ever. Did he say that the measure before the House was the only direct means of preventing such consequences? Did he say that 30,000*l.*, or three times 30,000*l.*, was the mere remedy or preventive of such consequences? Far from it. But he would say, under the circumstances in which the question came before the House—after the principles laid down in the proposition—after the exposition of those, which he would term, rational principles—if the House called for the rejection of the Bill, then he would say that such rejection would be viewed by him, as to its future consequences, with anxiety, if not with apprehension. He felt as much anxiety now as when the great question of Catholic Emancipation was brought forward; and, indeed, there were some features in the present debate which so strongly reminded him of that period, that he could almost fancy he saw the gracious figure of Canning rising to reply to the sonorous peroration of Sir Charles Wetherell. And though he felt no apprehension then, still he felt the greatest anxiety for the fate of that measure, which anxiety was paralleled now in the case of the measure—in many points of view, a paltry matter—proposed by his right hon. Friend at the head of the Government. They were called upon on one powerful ground only to resist this measure. He had said before he was unable to reason with men on their religion. He was unwilling to treat the subject in a religious point of view, for he did not think that such a view was right. Whatever attachment Roman Catholics might have to auricular confession, he had a great objection to make a confessional of the Speaker's chair. But he would boldly say there was no Scotch Calvinist on the hill-side who clung faster to that book which was the book of truth than he did. He read the book by such lights as were vouchsafed to him, but certainly not at the dictation of Pope, Council, or human authority; and if it were stated, and he believed, truly stated, by Roman Catholic gentlemen that they bowed to any such authority, or believed in the infallibility of human actions, all he had to remark was that he thought them in error. He never would lay himself open to the same charge of error, by assuming the same infallibility for his opinions. By the feeble light, but by a light of his own, while he read the sacred volume, he felt that the days of inspiration had gone by. Our young men no longer saw visions—our old men no more dreamt dreams. No miracles were now-a-days performed at the doors of Exeter Hall. There was no cloud to go before him by day, no pillar of fire to guide him on his path by night; he marched through the wilderness by a better light; but still he did not walk with sufficient confidence to enable him to say to others who were pursuing a parallel or, perhaps, a diverging path, that they laboured under a sad delusion, and that they were marching to their ruin. They were all bound for one common goal, and he hoped, he prayed, he believed that all would reach it in course of time.

Mr. *Maclean* rose, after the brilliant speech of the noble Lord, only for the purpose of calling attention to a misinterpretation of the speech of his hon. Friend the Member for Newcastle, by the hon. and learned Gentleman the Member for Cork. His hon. Friend had made no charge against the Roman Catholics; he had only stated certain facts; and had referred to a certain trial in proof of them. Then the hon. and learned Gentleman had taken the report of the same trial, and read to the House the evidence of one witness, without stating that the jury, consisting of six Roman Catholics and six Protestants, utterly disbelieved the testimony which he had given, and found a verdict against it. Surely, when arguing so important a question as the endowment of the Roman Catholic clergy—for that was the real question, it did not become the position of the hon. and learned Gentleman so to deal with the House. As to the speech of the noble Lord who had just sat down, it astonished him to hear that noble Lord urge again the arguments which he had used in 1824; which had been rejected by the Protestants of England, and had been at the time most satisfactorily refuted by the right hon. Baronet at the head of the Government. It was

in vain to say, that this was not a question as to the endowment of the Roman Catholic clergy; for that was believed to be the necessary consequence of it, not only in that House, but by the Roman Catholics themselves, who declared that they considered it but as an initiatory to a series of measures of the same sort. At the great meeting of the leading Members of the Roman Catholic party in this country, the noble Lord who proposed a vote of thanks to the right hon. Baronet at the head of the Government, had declared that both parties in that House must be blind not to see in this measure the verification of all their expectation of the Roman Catholics; and that those must be purblind who supposed that a vote of 30,000*l.* to the College of Maynooth could be a solitary measure on a question of this kind. The hon. Member read an extract from the newspaper report of the Catholic meeting, confirming the words he had attributed to Lord Beaumont; and continued —What had his noble Friend said, who last addressed the House? He had stated, that this measure was not opposed by the great majority of the people of this country. What, then, were they to say of the immense mass of petitions which had been laid on the Table? What had been the effect on his noble Friend himself? He felt great repugnance in opposing his right hon Friend at the head of the Government; but his feeling respecting this measure was, that it violated the great principles of the Constitution. He believed that his right hon. Friend did not see its consequences, which he (Mr. Maclean) believed would be the breaking up of the great Conservative party; and a serious injury to that Constitution on which the glory of England had been raised.

Sir *R. Peel:* I admit, Mr. Speaker, the reasonableness of the demand which the House appears so evidently to make for an immediate division on this subject, considering the length of time during which it has now been pressed upon the attention of the House. I am not accordingly about to enter into a detailed discussion of this question, the merits of which have now been altogether exhausted. I have myself besides had the opportunity, during the course of the discussion, of repeatedly addressing the House, and I have now nothing to add to the statements which I have already made, as to the motives and grounds on which Her Majesty's Government have introduced this Bill. I am unwilling, however, because I fear that misconstruction might be put upon my silence, to permit the debate to close without making a few observations. I must allude to some portions of one or two able speeches which have been made during the debate in opposition to the measure—one made by my hon. Friend the Member for Dorsetshire (Mr. Bankes), and another by the hon. Member for Newcastle-under-Lyme (Mr. Colquhoun). The hon. Member for Dorsetshire alleged that I had very incorrectly stated to the House the history of the original endowment of Maynooth, and said that he would prove from contemporary history that my account of the origin of that institution was incorrect. Sir, the history to which my hon. Friend referred was a pamphlet written by Dr. Duigenan. That pamphlet I hold in my hand. I have read it, and I cannot find one word in that pamphlet which justifies the observations of my hon. Friend. I find nothing in it whatever, which is in the slightest degree inconsistent with what I have stated; but I do find much in it which is in complete corroboration of all that I have advanced. I find in it the most complete proof that His Majesty, at that time, attached the utmost importance to the establishment of this institution. I find proof that they contended with great difficulties; and I find proof that they thought it of the utmost importance to the peace and welfare of Ireland, at the critical periods to which this pamphlet refers—the year '95—one year before the invasion of Ireland by the French; and the year '99, one year after the suppression of the rebellion in Ireland. I find decided proof that the Irish Government, responsible then for the tranquillity of Ireland, attached the utmost importance to the establishment and preservation of Maynooth College. But I also find in the pamphlet a statement to which my hon. Friend referred, and which, if it were founded on truth, might answer well the purpose of his argument. I do find there statements made which, if they are correct, would implicate Maynooth, the professors of Maynooth, and the president of Maynooth, in the serious charge of affording countenance and encouragement to the Irish rebellion. It is stated in this pamphlet by Dr. Duigenan, that thirty-six Romish students from this monastery had, on the breaking out of the rebellion, joined the insurgents, and fought at Kilcock against the King's troops; that certainly sixteen or seventeen students had been expelled because of the rebellion; but the governors

waited with becoming prudence till the rebellion was suppressed before they executed this act of wholesome severity. If that statement were correct, revived as it has been by my hon. Friend, it is calculated to create a most unfavourable impression with respect to Maynooth and those immediately connected with it. But what are the real facts of the case, and how do they bear out the accuracy of the statement thus made? It is stated that the heads of the College of Maynooth waited with becoming prudence until the rebellion was suppressed before they expelled any of the students. Sir, the rebellion broke out on the 23rd of May, 1798. What was the course which the trustees of the institution took? They were Roman Catholics, and the statement which I am about to read is similar to one which was made to-night by another Roman Catholic, the right hon. Member for Dungarvon. It is an extract from the journal of proceedings of the trustees of the Roman Catholic seminary at Maynooth:—

"Friday, the 11th of May, 1798—present, Lord Fingal, in the chair; Lord Gormanston, Dr. O'Reilly, Dr. Moylan, Dr. French, Lord Kenmare, Dr. Troy, Dr. Plunkett, and Dr. Cruise."

The rebellion did not break out until the 23rd of May; this meeting was held upon the 13th, ten days previous; it is evident, therefore, that so far "from waiting with becoming prudence before they interfered, until the rebellion was suppressed," that they had interfered ten days before it took place, upon which occasion the trustees came to this resolution:—

"The trustees, considering with grief the unhappy system of political delirium which, after having marked its progress through some of the most cultivated parts of Christendom, by the destruction of order, morality, and religion, appears to have made such strides in this kingdom as menace ruin to everything we should venerate and esteem as Christians and as men, and deeply sensible of the perfect opposition between every part of such pernicious system, and the beneficent objects of the institution over which they preside, think it expedient to order that the president be directed to maintain the most vigilant inspection over the conduct of every individual admitted in any manner to a participation of the benefits of the College; that he be empowered, and he is hereby empowered, to punish by expulsion such persons or persons as may by their actions or discourse abet or support any doctrines tending to subvert a due regard to the established authorities; and that the scholars and students be admonished that on those topics, and in these critical times, a conduct not only free from crime, but even from suspicion, ought to be expected from their gratitude, their attested allegiance, and sacred professional destination."

This they did for the purpose of marking their utter condemnation of anything like seditious or improper conduct on the part of those placed under their supervision. What was the course practically taken? They directed a notice upon the subject to be given to the president of the College. Here is the memorandum of it:—

"The above instruction was sent immediately to the president, who, after a solemn investigation, expelled every individual in the seminary who appeared to have formed any engagement whatever with the Society of United Irishmen, although they all expressed the greatest sorrow, and took the Oath of Allegiance after the said investigation."

And yet, notwithstanding the expressions of their regret, and their taking the Oath of Allegiance, those trustees, "not waiting with cautious prudence until the rebellion was suppressed," but ten days before it broke out, expelled every individual who was in any way implicated in it. Does not that prove that too much confidence was not to be placed in that contemporary history to which our attention has been drawn? We talk lightly now of withdrawing this vote from Maynooth; it was desired to withdraw it in 1799 and in 1800, as mentioned in this pamphlet. The House of Lords in Ireland did absolutely reject the Bill which had been sent from the House of Commons containing some modifications of the institution, and proposing the continuance of the grant. Lord Cornwallis was then Lord Lieutenant for Ireland, and the day after the rejection of the Bill he wrote to them, on the 17th of April, 1799, saying—

"I am sorry to say that a very different construction was put upon the proceedings of the House of Lords, and there was not a person amongst those whom I saw on Tuesday morning who did not conceive that this institution of Maynooth was entirely done away; and many of them were so blinded by their Protestant zeal as to exult exceedingly in the justice of the punishment which they conceived to be thereby inflicted on the Catholics for their late offences. When that opinion universally prevails at Dublin, there can be no doubt that the emissaries of faction, as well as of treason, will be very active in conveying it to every corner of the kingdom, and that it will most powerfully tend to inflame the minds of the Catholics of all orders against the Government, on the evil consequences of which it is, I am sure, unnecessary for me to expatiate."

Lord Castlereagh was then Secretary for Ireland. He went down to the House of

Commons the very next day, and declared that, notwithstanding the rejection of the Bill by the House of Lords, it was the determination of the Irish Government to prove to the Roman Catholics that they did not mean to abandon the institution. It was not on account of money that they came to that determination; but what the Government of Lord Cornwallis and Lord Castlereagh feared was, that the abandoning of the vote, and the institution having been established four years previously, would have been looked upon by the Catholics then, as I think it would be looked upon by them now, as an indication of a hostile spirit towards them. Another Bill was passed—the Act of 1800—and was afterwards adopted by the English Parliament; and it is not on account of the temporary continuance of the vote that I ever argued that a pledge of Parliament was implied, but on account of the Acts of Parliament directly sanctioning the institution, and providing for it that superintendence which, on the part of the State, was giving to it support, encouragement, and sanction. The only other speech which I desire to notice is that made to-night by the hon. Member for Newcastle-under-Lyme. During the progress of that speech, able and powerful as it was, I must own that the impressions entertained by my noble Friend, and that have been so well and so eloquently expressed by him, were precisely the self-same impressions that it left on my mind. I will take the account of Ireland as he has given it, as being that of an active opponent of this measure. In Ireland then, for the last five or six years, this has been the state of affairs. There has been, he affirms, no free expression of public opinion on the part of the Protestants. That if you attempt to make proselytes to Protestantism, a man cannot live in safety or peace in Ireland—that a man's life is in danger if he exercises the privileges of a British subject, and seeks to express his own opinions. The hon. Gentleman says, we cannot give to the landed proprietors in Ireland protection from violence and outrage. The hon. Gentleman says, that in Ireland it frequently happens that priests, and priests too educated in Maynooth, denounce from the altar parties who have exposed themselves to their rebuke, and that these parties have been afterwards visited with severe punishment; and the hon. Gentleman proves that this is done in Ireland, and that it has become a common and frequent practice. However, the hon. Gentleman says, that there are 3,000 priests spread over the face of Ireland, and every one, and all of these, without exception, are active agents and instruments in favour of Repeal. Be it so. Granted that this is a correct account of the state of Ireland; then I ask the hon. Gentleman, what is the remedy he proposes? The hon. Gentleman himself, I believe, is not an advocate for the withdrawal of the grant from Maynooth; because, when the proposal was made on former occasions, he was decidedly opposed to it. [Mr. *Colquhoun*: No.] I speak from memory; but I thought that the hon. Gentleman said, that the Acts of Parliament had thrown around Maynooth so decisive and authoritative a sanction, that it would be impossible to withdraw the vote until we get rid of the Acts of Parliament. [Mr. *Colquhoun* nodded assent.] I think, too, that the hon. Gentleman did not advise the continuance of the vote, and the exacting from the professors of Maynooth a submission to active superintendence. I wish then to ask the hon. Gentleman what he proposes as a remedy for the state of affairs which he has described as existing in Ireland? He admits that we have done every thing which the law would enable us to do, for the purpose of giving protection to life and property; and yet, he says, that we have not the power to give protection. It cannot be said of us, that we have neglected any precaution that it was in our power to take. During the prevalence of the danger in the year 1843, there were not less than 30,000 soldiers in Ireland. We had there a police force of not less than 10,000 men. We had too a naval force on the coast. We were determined, as far as the law would enable us, and the power of the Executive could be exercised, that everything should be done for the maintenance of the public peace. The hon. Gentleman says, that we succeeded so far that agitation was, in a great measure, suppressed—that we had proved the supremacy of the laws—that we had proved our determination not to submit to intimidation—that the Repeal rent abated—that the influence of the Repeal leaders was much reduced—and that that was precisely the moment that was selected for intimating our intention of making an alteration with respect to the grant for Maynooth. I believe that was the proper moment for making such a proposition; and yet the hon. Gentleman's inference is, from all that he had thus stated, that we acted most unwisely in taking advantage of that op-

portunity to propose remedial measures. Sir, it appears to me that it was precisely the very moment for introducing this remedial measure. We had done everything that it became an Executive to achieve. We had proved our determination to resist any forcible attempt to sever the connexion between the two countries. It was not then inconsistent with the honour of the Executive Government maturely to consider whether any other measures besides those of force could be regarded as a remedy for the existing state of Ireland. The hon. Gentleman says, enforce the law—protect property—suppress the present alarming excitement—and punish those denunciations from the altars. What is the meaning of these words, "enforce the law?" What is the instrument in any part of the Empire where the law is not suspended—what is the instrument of enforcing the law? It is not to be done by the arbitrary will of the Government—it is not by the decision of a single judge. Sir, the only instrument for enforcing the law is an appeal to trial by jury. While that tribunal is not interfered with—while it exists, it is the only means by which you can enforce the law. Well, then, I do say that the enforcement of the law was incompatible with the state of things in Ireland, even after the agitation had been suppressed in 1843—that trial by jury is an instrument not available for the vindication of the law in a country where the great mass of the population is hostile to the Government—that the vigorous enforcement of the law was hardly applicable to the state of Ireland even after agitation had been suppressed. We came then to the consideration of remedial measures. My hon. Friend says, that he does not think that I have been quite aware of all the consequences of these proceedings, and he hopes that I have been mistaken. I assure him that we have adopted this course with a perfect foresight of all the consequences that might arise. I assure my hon. Friend that I deeply regret the severance from political friends, who honestly and sincerely disapprove of the course we have pursued. He considers that we have lost their confidence. I deeply regret it; but, regretting it, I must still claim for the Executive Government, charged with duties of the highest importance to the Sovereign and the country, responsible for the consequences of their acts, I must, I say, claim for them the absolute right, without reference to the past, and without too much regard to what party considerations must claim from them, to risk even the loss of confidence of their friends, rather than abstain from doing that which conviction tells them the present circumstances require. It is not, Sir, my desire to notice the expressions made use of by the hon. Member for Knaresborough. It seems to me that a misapprehension is entertained in some quarters with respect to the position of a Minister of the Crown. I am as proud of the confidence as any man can be which a great party has placed in me; still I never can admit that he owes any personal obligation to those Members who have placed him in a certain position. And I should consider it as the happiest day of my life when I was permitted to act merely as an individual Member of Parliament, unconnected even with party, rather than continue to hold office by the servile tenure of the advice I gave to my Sovereign upon every subject, being exactly in conformity with every opinion which every Member of that party might hold. Sir, it would be difficult, indeed, for any Government to administer public affairs on such a principle; for, while I was trying to conciliate the hon. Member for Knaresborough, I should be forfeiting the confidence of my noble Friend near me (Lord F. Egerton). But, without reference to what may be the opinion of that man or this, I claim for myself the right to give to my Sovereign, at any time, that advice which I believe the interests of the country require. I have not, on this occasion, nor have my right hon. Friends, acted without deep consideration, and without feeling most severely the loss of the support, the permanent loss, perhaps, of the confidence of those who, it has been said, have placed us in power. I have been charged with having exhibited an indifference to public opinion on this question, and a disposition to disregard it; but for that public opinion, believing it to be influenced in the main by religious considerations, I have the highest respect; but I retain the determination I have before stated, and now repeat, that so far from that expression of public opinion inducing me to abandon, or causing me to waver in my course, I deliberately repeat, that with every respect for that public opinion, there are high political considerations which induce me to adhere to the course we have adopted. If I thought the opposition which has been raised to this Bill were now to prevail—if I thought the principle on which the opposition was founded were to triumph, I should despair for the maintenance of ami-

cable relations between Great Britain and Ireland. I think, therefore, it is of peculiar importance, for the purpose of mitigating the evil which would arise from the success of that opposition—I think it is of the utmost importance that public men should show to the people of Ireland that they will not lightly abandon the course they have entered upon for their benefit, and that they are content to make any sacrifice, now and for ever, in the maintenance of the opinions which they have permanently placed on record. I think the misfortune of failure would be great; and it is too late now to inquire whether the grant should be withdrawn. I am convinced, notwithstanding all that has passed—I remain satisfied of the policy of the course we have pursued, and I do not think it would be wise if that be the character of the priesthood which has been stated, to continue this implied sanction to Maynooth—to permit this Act of Parliament to remain on record—to take the superintendence of the College, and by the sanction of the Lord Lieutenant and the official visitors, to be connected with the institution, and yet to hold out that miserable pittance, which induces indignation rather than gratitude in the minds of the priesthood. We have proposed a liberal endowment for Maynooth, and that proposition has been received in Ireland with as much of approbation and gratitude as I expected for it. I have never heard any objection to the grant on the part of the Roman Catholics; but on the contrary, I have found on the part of the Roman Catholic hierarchy, the professors of Maynooth, and the Roman Catholic priesthood of Ireland generally, so far as I have been able to collect their opinions, that they are disposed gratefully to accept the proffered boon. I must say, that this exhibition of kindly feeling on the part of the British Parliament has produced in Ireland all those good effects which I expected from it. One hon. Member has read a letter from the Rev. Dr. Higgins, and another has referred to a letter from the Rev. Dr. M'Hale, condemning the Bill; while another hon. Gentleman, my hon. Friend the Member for Newcastle-under-Lyme, has quoted a paragraph from a French newspaper, which he says speaks with the authority of the Government, as a proof that we are wrong. Now with all respect for my hon. Friend, I think we can scarcely look at the condemnation of a French newspaper as a proof that we are taking a wrong course in this matter. It was hardly to be expected that the agitation which has been so long going on would cease at once; but by creating a feeling of gratitude and good feeling in the minds of the people, we say we are cutting up the trade of agitation, and we must expect ere long that the agitation will be put an end to altogether. I do not take it for granted that the angry speeches we hear of as being made in Conciliation Hall afford any indication of the feeling of the people generally. You suppose that the whole Protestant feeling of Ireland is represented by a small section in the north; and the whole Roman Catholic feeling, you imagine, is represented by the speeches in Conciliation Hall. No opinion can be more erroneous. There is a great mass—a large intermediate mass of both Catholic and Protestant feeling in Ireland, which is not represented by the proceedings in the north of Ireland, or the speeches in Conciliation Hall, and is in no way influenced by them. I believe the course the Government have taken has greatly diminished the influence of agitation in Ireland generally, and has conciliated—I will not say the confidence of the people towards the Government; but, at all events, it has diminished the desire of the great body of the Roman Catholics of Ireland to connect themselves with turbulence and agitation. I look to the Irish Members of this House—to the Roman Catholic Members of this House, as the great representatives of the Roman Catholic opinions in Ireland, rather than to any less authentic or less foreign source; and I must say, the Roman Catholic Members have acted most fairly in the support they have given to the proposal of the Government. Before I conclude, I must take the opportunity of expressing my deep sense of the hon. and disinterested motives upon which the great body of those Gentlemen who are opposed to me in political life have acted in support of the Government. It would not be becoming in me to offer—nor would it be becoming in them to accept—any expression of personal acknowledgment, for I know, in so supporting us, they have only acted in accordance with their sense of public duty, and their convictions of what is most conducive to the interests of the country, and that these have been alone the motives by which they have been actuated. I know, in proposing and adhering to this measure—I know what may be the consequence, in alienating from me men with whom I have long acted, and whom I respect; while, on the other hand, I can claim no

compensation in any demand upon the gratitude of those Gentlemen connected with Ireland to whom I have always been politically opposed. I am bound to admit that their continued gratitude is due, not to me, but rather to those who have been their constant and uniform supporters through a long course of political years. From them, therefore, I can claim no gratitude. We have acted, in regard to this measure, wholly on our sense of duty, and that is our only merit; and in acting upon that sense of duty we have been prepared to incur, and are prepared to incur, whatever risk may attend us; but our consolation and our compensation would be complete if the result of our measures be—if not to conciliate the support of our opponents—to engender a kindly feeling between Ireland and Great Britain, and increase the chances of maintaining a perfectly amicable connexion and relation between those two parts of this great Empire.

Lord *J. Russell:* Sir, having had an opportunity of addressing the House upon this measure on a former occasion, I have but a few observations now to offer, and I should have been quite ready to have made those observations before the right hon. Gentleman, if I had been about to address anything to the House which would have required any answer from him; but they are rather observations referring to the part I have taken on this subject, and to the present state of Ireland, than to the immediate conduct of the Government. I wish, in the first place, to address a large body, who have not been much represented in this House, whose sentiments I have heard very little of in the course of these debates, but whose opinions I am accustomed highly to value, and who I am sure have come to their conclusions from conscientious conviction; I allude to the large body of the Protestant Dissenters of England. I find that they, differing very much from many who oppose this measure on the other side of the House, say that they are quite ready to do justice to Ireland, but that that justice ought to be done in another manner. They say, "Grant every franchise which Ireland can claim to put her on an equality with England, but do not do any favour to Romanism; if the Established Church be objected to, reduce the power of that Church, but do not give that power into the hands of the Roman Catholics." Now, I am not going to dispute as to the preference of one over the other. For my own part, the view which I took of the state of Ireland many years ago was rather in accordance with their view than with the tendency of the measure now before the House; but in proposing our measures we met with opposition so strong, not only in this and the other House, but likewise (I must admit) in the country, that many of those measures were retarded for years; and with respect to one of the principal, proposing to reduce the revenues of the Established Church of Ireland, we entirely failed, and were obliged to propose a Tithe Bill without that proposition. If we had taken the course recommended by the Gentlemen to whom I now refer, let them consider what would have been the result. We should have been successful, I have no doubt, if we had joined hon. Gentlemen opposite, in defeating this measure on its first introduction, or on the second reading; but should we have obtained that which the parties referred to say is required by justice to Ireland? Should we have obtained measures for the reduction of the present Church Establishment in Ireland? Would those who should urge such a measure then have been aided by those who assist them in opposing the grant to Maynooth? It is evident, not only by what passed four years ago, but by what has passed this year, by what has passed on the Motion of the hon. Member for Sheffield (Mr. Ward), that we should have been utterly defeated in that attempt, and that while the Maynooth grant would have been lost, we should have been entirely unable to carry any measure tending to remedy the inequality existing in Ireland. Was it not then my duty to consider this alternative? Either the present Ministry would have remained in office after the loss of this measure, unwilling to bring forward any other conciliatory propositions; or, what is more probable, they would have resigned, and any Ministry which could succeed them would have been without power, or without inclination, to propose any measure of a different kind to that now before us, but still favourable to the wishes of the people of Ireland. So that the injustice which now exists, the inequality now complained of, would still have remained, and would still have been a curse to that part of the United Kingdom. What, then, was my duty? Seeing that I could not

carry the measures which I deemed most desirable, measures which I thought most favourable to the freedom of Ireland, but also seeing a measure of a different kind brought forward—proposing, not to reduce the Protestant, but to elevate the Catholic Church, and thereby produce something like equality—seeing all this, was it not my duty, wishing, as I do, the welfare of Ireland, to give that measure my support, no matter from what party it emanated? But I cannot refer to this subject without taking some notice of a speech made the other night by the noble Lord the Member for Staffordshire (Lord Ingestre). That noble Lord said very plainly, and I give him credit for his frankness—he said that had this very measure—although, let the House remark, it is not the measure which he voted against on the Appropriation Clause, it is not a measure which proposes to take anything from the Protestant Church—yet, had this very measure been proposed by the late Government, he would have voted against it. Here is a sample of the treatment which any measures of ours would have met with had we joined in the defeat of this Bill, and proposed new schemes in its place. That noble Lord said he would vote against the Maynooth grant, emanating from us, because we truckled to Irish agitation. Really, Sir, I had thought that this accusation was quite obsolete; for although it was found useful as a party cry, yet I did believe that its evident falsehood, its entire groundlessness, had chased it away from the minds of all men. But the noble Lord is inspired with, as he says, a great wish for the welfare of his country. I do not dispute his anxiety for the welfare of his country. But I say that he is inspired likewise not only with a great ignorance, but with a most narrow-minded view of what is for the welfare of his country. And though, Sir, I admire, and will stand up for, the advantages of party—though I think party spirit useful, and though I believe that it tends to make men zealous in behalf of great principles, and to keep them in fellowship for great ends—though I think that it has enabled men, by bringing their different capacities and talents into one concentrated effort, to carry the most admirably conceived and planned measures—although I think that party has all these advantages, it has also its counterbalancing points; I think that it often instils blindness and bitterness into those who belong to it; and that while the noble Lord is an instance of the absence of all the advantages derived from the spirit of party, he is an example of the presence of all the defects. And this, Sir, to which I have alluded, is not the first instance of the deplorable evils to which party littleness may give rise. I remember some years ago what I thought a most remarkable and melancholy instance of the evil effects of party. At one of the dinners held in Staffordshire for the purpose of abusing the Ministry of the day—a most melancholy event—the murder of Lord Norbury—was made an instrument for party purposes, and for party warfare. The announcement of that crime was received with cheers, as though it afforded the means of attacking the Government for being wanting in making due provision for the enforcement of the law. I am happy to belong to a party which does not use such weapons. We have seen murders committed, and outrages perpetrated in Ireland within the last two years, more particularly in some districts; but we know that they may be attributed to causes unhappily existing for the greater part of a century. We wish, then, to see measures proposed tending to cure the evil we deplore. But to attribute any one of these crimes—to attribute even a series of murders, which during a winter may be committed in Tipperary, to the Lord Lieutenant or the Chief Secretary for Ireland, would be an injustice which I trust we are above committing. Sir, the right hon. Baronet opposite has alluded, as well as other speakers in this debate, to the present state of Ireland; but I should be sorry to give my vote in favour of the Bill before us—a Bill which I consider, certainly, to be an important one—I should, I say, be sorry to give my vote for it, under the impression that the increased grant will have a great or immediate effect in remedying the distresses of Ireland. I do not think, though the measure be a good one in itself, that it is sufficient to meet the evils of Ireland. The right hon. Baronet who last spoke has told us that such was the state of Ireland in 1843 that the ordinary course of law—the resources of the law, which must be put in force by trial by jury—were not sufficient as an instrument for the administration of Ireland. That, Sir, I have no doubt is a true con-

fession, but it is a very sad, I may say a very humiliating confession for any Government to be obliged to make. It shows a disposition on the part of the people of that country not to convict even in cases when it is to be supposed that the law is in favour of the Executive Government. It shows that a disposition which has existed in this country, with the exception of the years 1794 and 1795, since the time of the Revolution of 1688—it shows an alienation on the part of the people of Ireland from the whole system of our laws. I hope —the right hon. Gentleman hopes that the disease may be cured—that we are now on our way to better times; but other measures must be adopted—recourse must be had to a continuance of—I will not say a policy of conciliation — but a policy of justice to Ireland. And let us not hear that continual cry of " how ungrateful the Irish are—they have this Maynooth grant, and they are not grateful!" This has been a continued parrot cry ever since the beginning of the relaxation of the atrocious cruelties of the penal laws. People in this country said, " We have allowed them to educate their own children, and yet they are not grateful. We have allowed them to have their priests; we do not banish or transport their ministers, and yet they are not grateful. We have permitted a Roman Catholic to ride a horse worth 30*l.* without his being deprived of it, and yet Roman Catholics are not grateful. We allow them to go to mass, we even permit them to inherit landed property, and yet they are such a savage and barbarous set that they are not grateful; nay, not content with what they have got, they still want more." They still want more! To be sure they do, and they will continue to want more, until you can say that between England and Ireland there is a perfect and just equality. And then, when you can say that there does exist such a perfect and just equality, I fear nothing from this cry for a Repeal of the Union, formidable as it is, and powerful as it is among a great mass of the people at the present moment. I think I can meet the proposers of such a measure by a fair line of argument. I should not meet it, not as it was well and eloquently put by the noble Member for Lancashire to-night, who said, and very truly, that if England was divided or separated from Ireland, the glory of this country would have departed for ever. But there is still more to be considered than that, in arguing with men representing Ireland, and asking for Irish benefit. I think I could go through with them the history of this concession, if this country were to make such a concession—such a mad concession. I would place before them the meeting in Dublin of an Irish House of Lords—I would show them a democratic assembly also assembled there, first quarelling with that House of Lords, and then trampling upon it and breaking it to pieces; inflicting penalties on absentees; next quarrelling with England because the manufactures of England were sent to Ireland, and endeavouring to set up in rivalry a manufacturing class of their own; then proceeding in a spirit of enmity against all those who held property in Ireland, and who did not agree with the majority, and in that manner forcing on, before a very long time, a quarrel with this country — which must be a quarrel, not for the Repeal of the Union, or for two Legislatures, but a quarrel as to whether England and Ireland should be united under the same Crown. And when it comes to a quarrel whether England and Ireland shall be united under the same Crown, the prospect of Ireland existing as an independent state, though it may be entertained by some young and enthusiastic—and, I will not deny, even patriotic—men, is the shallowest dream that ever occupied the brain of man. Ireland would then be looked on by the enemies of England as the great battle field for attacking this country. What then would be the situation of Ireland, with her advancing commerce, with her improving agriculture—what would become of the rights she has, in common with England—rights which we so dearly value, and which have been extended to her? Why, Sir, all would be lost—all would perish in that conflict. England would be weakened, but that England would be conquered by Ireland, is a supposition that enters into no man's head. England would suffer, but Ireland would suffer in a tenfold worse degree. She would become the subject of a Foreign Power—her commerce and agriculture would be torn to pieces—religious dissensions would be made more bitter than ever, and all hope of proceeding quietly and tranquilly to prosperity and freedom would be utterly and entirely lost. That, Sir, is my belief with respect to the consequences of a Repeal of the Legislative Union; and so believing, I do not say, merely as an Eng-

lishman, and wishing to maintain the power and glory of this great country, that I am opposed to Repeal. I don't oppose it merely with the view of resisting the wishes of the Irish people (though I am entitled to oppose their wishes if I deem them mischievous to Ireland, as I am to resist the feelings of the people of England, in opposing the grant to Maynooth); but I oppose it because, deeply as the two countries must suffer from separation, deeply as the reputation and glory of England must be impaired, her suffering would be nothing as compared to that of Ireland. But before I can hope to put that argument with effect—before I can meet the question in detail—before I can expect Irishmen to listen coolly to reason on the subject, I think we are bound on every occasion, and in every way, to show that if there is any privilege which Englishmen enjoy, and which Irishmen wish to have, we are ready to grant it. My belief is, that whatever may have been our former prejudices in England — whatever may have been, I admit, former indifference, that the feelings of this country are greatly changed in that respect. Some say, reduce the Protestant Church and do nothing for the Catholics; others say, elevate the priests; others, improve the situation of the Irish people by giving them better means of subsistence, improving the tenure of land, and by other measures of that description. But whatever may be the views of this or that set of men, I believe there prevails in England a desire to see Ireland flourish, and her people enjoy every right and privilege to which they are fairly entitled. This being the state of feeling, I would say to the Government, "Do not stop short with this measure, as you see you have no party differences to fear when you bring forward measures really advantageous to Ireland. Whatever obstacles you may meet with, you will not be encountered by the anxiety of those who have lost power to possess themselves of office; expect a majority of this House to go with you if you fairly and boldly declare your intentions, and rely, as the right hon. Gentleman declares he will, on the value of those measures themselves, for the support and acceptance they will receive." I will not conceal that there are great difficulties in your way; I will not conceal that I think those difficulties immensely increased by the course you pursued in past years; but I do say, whatever be the difficulties, they will not be lessened by shutting our eyes to their greatness and importance; and the only way you can deal with them, in a way becoming the character of this great country, is to meet them steadily and without shrinking, and rely on Providence for your delivery.

Mr. *G. Palmer*, who rose amidst loud cries for a division, said, that the right hon. Baronet at the head of the Government had no right to bring such aspersions as he had thrown out on his party; and say it was too bad in them to expect that he should look to them for advice, as to how he should carry on his Government. If the right hon. Baronet's party had voted with the hon. Member for Sheffield the other night, where would the right hon. Baronet have been by this time? They (the Conservative Members) had a right to look for the fulfilment of the pledges that had been either directly given, or given fairly and fully by implication. He maintained that they had been given directly by the right hon. Baronet, through the noble Lord, the Secretary for the Colonies, on one subject. The right hon. Baronet had called together, at his house, a meeting of Conservative Members. He must say, that he was at that meeting, when the right hon. Gentleman declared his adhesion to the sentiments uttered by a noble Lord now elsewhere; and when he told his supporters that they might consider the declarations of one Member of the Government, as the declarations of all its Members. He had a right, therefore, to ask what had been done by the noble Lord and his Colleagues, since their accession to office, with reference to that measure of the noble Lord's, which had led to the change of Ministers?

Sir *R. Peel*: The hon. Gentleman must have greatly misunderstood what I said. I said, I felt convinced that those who differed from me, did so from conscientious feelings; but that, when I was charged with betraying my party, and acting as a traitor towards them, I would not consent to hold office on the servile tenure of asking every man's opinion as to any recommendation I should give my Sovereign.

The House divided on the Question, that the word "now" stand part of the Question:—Ayes 317; Noes 184: Majority 133.

List of the AYES.

Acheson, Visct.
Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Adare, Visct.
Adderley, C. B.
Ainsworth, P.
Aldam, W.
Anson, hon. Col.
Archbold, R.
Arundel and Surrey, Earl of
Bagot, hon. W.
Baillie, Col.
Baine, W.
Baird, W.
Barclay, D.
Barkly, H.
Baring, rt. hn. F. T.
Baring, T.
Baring, rt. hn. W. B.
Barnard, E. G.
Barrington, Visct.
Barron, Sir H. W.
Bell, M.
Bell, J.
Bellew, R. M.
Bentinck, Lord G.
Blackburne, J. I.
Blake, Sir V.
Blakemore, R.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowes, J.
Bowles, Adm.
Bowring, Dr.
Bramston, T. W.
Browne, hon. W.
Brownrigg, J. S.
Bruce, Lord E.
Bulkeley, Sir R. B. W.
Buller, C.
Buller, E.
Butler, P. S.
Byng, G.
Byng, rt. hn. G. S.
Cardwell, E.
Carew, hon. R. S.
Carew, W. H. P.
Castlereagh, Visct.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Chapman, B.
Chelsea, Visct.
Childers, J. W.
Cholmondeley, hn. H.
Clay, Sir W.
Clayton, R. R.
Clements, Visct.
Clerk, rt. hn. Sir G.
Clifton, J. T.
Clive, Visct.
Clive, hon. R. H.
Cobden, R.
Cockburn, rt. hn. Sir G.
Colborne, hn. W. N. R.
Colebrooke, Sir T. E.
Collett, J.
Collins, W.
Coote, Sir C. H.
Corbally, M. E.
Corry, rt. hon. H.
Courtenay, Lord
Cowper, hon. W. F.
Craig, W. G.
Cripps, W.
Dalmeny, Lord
Damer, hon. Col.
Davies, D. A. S.
Dawson, hon. T. V.
Denison, W. J.
Denison, J. E.
Dennistoun, J.
D'Eyncourt, rt. hn. C. T
Dickinson, F. H.
Divett, E.
Dodd, G.
Douglas, Sir C. E.
Douro, Marq. of
Drummond, H. H.
Duncan, Visct.
Duncannon, Visct.
Dundas, F.
Dundas, D.
East, J. B.
Easthope, Sir J.
Eastnor, Visct.
Ebrington, Visct.
Ellice, rt. hn. E.
Elphinstone, H.
Emlyn, Visct.
Escott, B.
Esmonde, Sir T.
Estcourt, T. G. B.
Etwall, R.
Ferguson, Col.
Ferguson, Sir R. A.
Fitzmaurice, hon. W.
Fitzroy, hon. H.
Fitzwilliam, hn. G. W.
Fleetwood, Sir P. H.
Flower, Sir J.
Forster, M.
Fox, C. R.
Fremantle, rt. hn. Sir T.
French, F.
Gardner, J. D.
Gaskell, J. Milnes
Gibson, T. M.
Gill, T.
Gladstone, rt. hn. W. E
Gladstone, Capt.
Glynne, Sir S. R.
Godson, R.
Gordon, hon. Capt.
Gore, M.
Gore, hon. R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marq. of
Granger, T. C.
Greene, T.
Grey, rt. hn. Sir G.
Guest, Sir J.
Hale, R. B.
Halford, Sir H.
Hall, Sir B.
Hamilton, W. J.
Hamilton, Lord C.
Harcourt, G. G.
Hatton, Capt. V.
Hawes, B.
Hayter, W. G.
Heneage, G. H. W.
Heneage, E.
Henniker, Lord
Herbert, rt. hn. S.
Heron, Sir R.
Hervey, Lord A.
Hinde, J. H.
Hobhouse, rt. hn. Sir J.
Hogg, J. W.
Hollond, R.
Holmes, hn. W. A'C.
Hope, hon. C.
Hope, G. W.
Horsman, E.
Howard, hn. C. W. G.
Howard, hn. E. G. G.
Howard, P. H.
Howard, Sir R.
Hume, J.
Hutt, W.
Ingestre, Visct.
James, W.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Kelly, F.
Labouchere, rt. hn. H.
Lambton, H.
Lascelles, hon. W. S.
Layard, Capt.
Leader, J. T.
Legh, G. C.
Lemon, Sir C.
Lennox, Lord A.
Leveson, Lord
Liddell, hon. H. T.
Lincoln, Earl of
Lindsay, H. H.
Listowel, Earl of
Loch, James
Macaulay, rt. hn. T. B.
Mackenzie, W. F.
Mackinnon, W. A.
Macnamara, Major
McGeachy, F. A.
McNeill, D.
Mahon, Visct.
Mangles, R. D.
Manners, Lord C. S.
Manners, Lord J.
Marshall, W.
Martin, J.
Martin, C. W.
Martin, T. B.
Matheson, J.
Milnes, R. M.
Mitcalfe, H.
Mitchell, T. A.
Mordaunt, Sir J.
Morison, Gen.
Murphy, F. S.
Murray, A.
Napier, Sir C.
Neville, R.
Newport, Visct.
Nicholl, rt. hn. J.
Norreys, Lord
Norreys, Sir D. J.
O'Brien, J.
O'Connell, M. J.
O'Conor Don
O'Ferrall, R. M.
Ord, W.
Ossulston, Lord
Oswald, A.
Oswald, J.
Owen, Sir J.
Paget, Col.
Pakington, J. S.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Pendarves, E. W. W.
Pennant, hon. Col.
Philips, G. R.
Philips, M.
Phillpotts, J.
Pigot, rt. hn. D.
Pigot, Sir R.
Power, J.
Praed, W. T.
Pusey, P.
Rawdon, Col.
Redington, T. N.
Reid, Sir J. R.
Repton, G. W. J.
Rice, E. R.
Roche, E. B.
Roebuck, J. A.
Ross, D. R.
Round, J.
Rous, hon. Capt.
Rumbold, C. E.
Russell, Lord J.
Russell, Lord E.
Russell, C.
Sandon, Visct.
Seymour, Lord
Seymour, Sir H. B.
Sheil, rt. hn. R. L.
Shelburne, Earl of
Smith, B.
Smith, rt. hn. R. V.
Smith, rt. hn. T. B. C.
Smythe, hon. G.
Somers, J. P.

Somerset, Lord G.
Somerville, Sir W. M.
Somes, J.
Standish, C.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Strutt, E.
Sutton, hon. H. M.
Tancred, H. W.
Tennent, J. E.
Thesiger, Sir F.
Tollemache, hn. F.
Tomline, G.
Towneley, J.
Traill, G.
Trelawny, J. S.
Trench, Sir F. W.
Trevor, hon. G. R.
Tuite, H. M.
Vane, Lord H.
Vernon, G. H
Villiers, hon. C.
Villiers, Visct.
Walker, R.
Wall, C. B.
Walsh, Sir J. B.
Warburton, H.
Ward, H. G.
Watson, W. H.
Wawn, J. T.
Wellesley, Lord C.
Wemyss, Capt.
Westenra, hon. J.
White, S.
Whitmore, T. C.
Wilde, Sir T.
Williams, W.
Wilshere, W.
Winnington, Sir T. E.
Wodehouse, E.
Wood, C.
Wood, Col. T.
Worsley, Lord
Wortley, hon. J.
Wrightson, W. B.
Wynn, rt. hn. C. W. W.
Wynn, Sir W. W.
Wyse, T.
Yorke, hon. E. T.
Yorke, H. R.

TELLERS.
Young, J.
Baring, H.

List of the NOES.

Ackers, J.
Acton, Col.
Alexander, N.
Allix, J. P.
Antrobus, E.
Arbuthnot, hon. H.
Archdall, Capt. M.
Arkwright, G.
Ashley, Lord
Astell, W.
Austen, Col.
Bailey, J. jun.
Bannerman, A.
Bateson, T.
Beckett, W.
Beresford, Major
Berkeley, hon. C.
Bernard, Visct.
Blackstone, W. S.
Blewitt, R. J.
Bouverie, hon. E. P.
Boyd, J.
Bradshaw, J.
Bright, J.
Brisco, M.
Broadley, H.
Brocklehurst, J.
Brotherton, J.
Bruce, C. L. C.
Bruen, Col.
Bruges, W. H. L.
Buck, L. W.
Buckley, E.
Buller, Sir J. Y.
Burrell, Sir C. M.
Burroughes, H. N.
Campbell, J. H.
Chetwode, Sir. J.
Chetwode, J. H.
Christopher, R. A.
Codrington, Sir W.
Cole, hon. H. A.
Colquhoun, J. C.
Colvile, C. R.
Compton, H. C.
Conolly. Col.
Copeland, Ald.
Crawford, W. S.
Curteis, H. B.
Darby, G.
Dawnay, hon. W. H.
Deedes, W.
Denison, E. B.
Dick, Q.
Disraeli, B.
Douglas, Sir H.
Douglas, J. D. S.
Duke, Sir J.
Duncan, G.
Duncombe, T.
Duncombe, hon. O.
Dundas, Adm.
Du Pre, C. G.
Eaton, R. J.
Egerton, W. T.
Egertou, Sir P.
Entwisle, W.
Ewart, W.
Farnham, E. B.
Feilden, W.
Fielden, J.
Fellowes, E.
Ferrand, W. B.
Filmer, Sir E.
Fitzroy, Lord C.
Ffolliott, J.
Forbes, W.
Forman, T. S.
Fox, S. L.
Fuller, A. E.
Gore, W. O.
Gore, W. R. O.
Goring, C.
Greenall, P.
Gregory, W. H.
Grimsditch, T.
Grogan, E.
Hallyburton, Lord J. F.
Hamilton, J. H.
Hamilton, G. A.
Hampden, R.
Hanmer, Sir J.
Harris, hon. Capt.
Hastie, A.
Heathcoat, J.
Henley, J. W.
Hill, Lord M.
Hindley, C.
Hornby, J.
Hughes, W. B.
Humphery, Ald.
Hussey, A.
Hussey, T.
Jervis, J.
Johnson, Gen.
Johnstone, H.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.
Kirk, P.
Knight, F. W.
Knightly, Sir C.
Law, hon. C. E.
Lawson, A.
Lefroy, A.
Leslie, C. P.
Loftus, Visct.
Lopes, Sir R.
Lowther, Sir J. H.
Lowther, hon. Col.
Mackenzie, T.
Maclean, D.
McTaggart, Sir J.
Mainwaring, T.
Marton, G.
Masterman, J.
Maunsell, T. P.
Maxwell, hon. J. P.
Miles, P. W. S.
Morgan, C.
Morris, D.
Mundy, E. M.
Muntz, G. F.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Newry, Visct.
Northland, Visct.
O'Brien, A. S.
Packe, C. W.
Palmer, R.
Palmer, G.
Pattison, J.
Pechell, Capt.
Phillipps, Sir R. B. P.
Plumptre, J. P.
Polhill, F.
Pollington, Visct.
Powell, Col.
Price, R.
Protheroe, E.
Rashleigh, W.
Rendlesham, Lord
Richards, R.
Rolleston, Col.
Round, C. G.
Rushbrooke, Col.
Ryder, hon. G. D.
Shaw, rt. hon. F.
Shirley, E. J.
Shirley, E. P.
Sibthorp, Col.
Smith, A.
Smyth, Sir H.
Spooner, R.
Spry, Sir S. T.
Stanley, E.
Stewart, P. M.
Stuart, H.
Taylor, E.
Taylor, J. A.
Thompson, Ald.
Tollemache, J.
Tower, C.
Trollope, Sir J.
Troubridge, Sir E. T.
Turner, E.
Turnor, C.
Tyrell, Sir J. T.
Verner, Col.
Vyvyan, Sir R.
Waddington, H. S.
Wakley, T.
Welby, G. E.

TELLERS.
Inglis, Sir R. H.
Bankes, G.

Bill read a third time.

Mr *T. S. Duncombe* said, that notwithstanding the lateness of the hour, he should now propose the clause of which he had given notice; and which was to the effect, that this Bill should not continue in effect longer than the month of

August, 1848, and from thence to the end of the then next Session of Parliament, making a period of four years. Looking to the state of public feeling in the country, he thought he was not making an unreasonable proposition. They were passing this Bill against the feeling and wishes of the people. There were upon the Table petitions sent by about 1,300,000 people against the Bill; whereas in its favour there were some sixty petitions sent by about 16,000 of their fellow subjects. To be sure, he had observed that the petitions in favour of the measure had been made the most of, and that great pains had been taken to make the presentation of a petition conspicuous, when any hon. Member had one in favour of the Bill, whilst the petitions on the other side came up amidst the derision and contumely of the House. If the feeling of the country had been at all reasonably balanced, perhaps he could not properly have called upon the House to assent to this clause; but seeing the preponderance of opinion on one side, he had a right to ask the House to limit the continuance of this Bill. Besides the religious grounds of objection to the measure, there were others which appeared to be well founded. The people contended, that in passing this grant in perpetuity, the House was exceeding their powers. They say, that the House had no more right to vote the grant in perpetuity than any other of the Supplies. They might as well vote a Mutiny Act perpetual, as this grant. If there was one question more than another upon which the voice of the people ought to be heard, it was the application of their money; particularly when it was for the endowment of any religious creed. He should be told, it was competent to any future Parliament to repeal the Bill; but every one knew that it was much easier to impose taxes than to remove them —to pass a Bill than to repeal it, more especially when the whole influence of Government was in favour of that Bill. With these views he proposed this clause; he proposed it to all hon. Members who had constituents. He did not propose it to the dependents of the Government, or to those who had heretofore voted against this grant, nor did he appeal to the nominees of great borough proprietors; but, as he had said, he appealed to those Members who had constituents; and they, he maintained, had a right to defer to public opinion. He believed that his clause would be a messenger of peace to many constituencies, and would heal many breaches between them and their Representatives. It would prove that Government had confidence in the policy they had pursued in opposition to the wishes of the people, and would be a compliment to the good sense and intelligence of that people, as showing confidence, that if upon a future occasion they were proved to be wrong, they would acknowledge their error. The hon. Member concluded, by moving a clause to this effect:—

"And be it Enacted, That the Powers and Provisions of this Act shall not continue and be in force longer than the first day of August, one thousand eight hundred and forty-eight, and from thence to the end of the then next Session of Parliament."

Clause brought up, and read a first time.

On the Question, that the Clause be read a second time,

Sir *Robert Peel* said, that the argument of the hon. Member was not applicable, as there had been many instances of permanent grants out of the Consolidated Fund. The proposed clause could not remove any of the objections to the measure, whilst it would affect its beneficial influence. He must give his decided opposition to the clause.

The House divided:—Ayes 145; Noes 243; Majority 98.

List of the AYES.

Ackers, J.	Buckley, E.
Acton, Col.	Buller, Sir J. Y.
Alexander, N.	Burroughes, H. N.
Allix, J. P.	Campbell, J. H.
Antrobus, E.	Chetwode, Sir J.
Archdall, Capt. M.	Cole, hon. H. A.
Ashley, Lord	Colquhoun, J. C.
Astell, W.	Colvile, C. R.
Austen, Col.	Compton, H. C.
Bailey, J. jun.	Copeland, Ald.
Bankes, G.	Crawford, W. S.
Bannerman, A.	Curteis, H. B.
Bateson, T.	Dawnay, hon. W. H.
Beckett, W.	Deedes, W.
Beresford, Major	Denison, E. B.
Blackstone, W. S.	D'Eyncourt,rt.hn.C.T
Blewitt, R. J.	Douglas, Sir H.
Bouverie, hon. E. P.	Douglas, J. D. S.
Boyd, J.	Duke, Sir J.
Bradshaw, J.	Duncan, G.
Bright, J.	Duncombe, hon. O.
Brisco, M.	Du Pre, C. G.
Broadley, H.	Eaton, R. J.
Brocklehurst, J.	Egerton, Sir P.
Brotherton, J.	Entwisle, W.
Bruce, C. L. C.	Ewart, W.
Bruen, Col.	Farnham, E. B.
Bruges, W. H. L.	Fielden, J.

Fellowes, E.
Ferrand, W. B.
Filmer, Sir E.
Fitzroy, Lord C.
Ffolliott, J.
Forman, T. S.
Fox, S. L.
Fuller, A. E.
Gore, W. O.
Gore, W. R. O.
Goring, C.
Greenall, P.
Gregory, W. H.
Grimsditch, T.
Grogan, E.
Hamilton, J. H.
Hamilton, G. A.
Hanmer, Sir J.
Hastie, A.
Hawes, B.
Heathcoat, J.
Henley, J. W.
Hornby, J.
Hughes, W. B.
Inglis, Sir R. H.
Jervis, J.
Johnson, Gen.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.
Knight, F. W.
Law, hon. C, E.
Lawson, A.
Lefroy, A.
Legh, G. C.
Leslie, C. P.
Loftus, Visct.
Lopes, Sir R.
Lowther, Sir J. H.
Lowther, hon. Col.
Maclean, D.
McTaggart, Sir J.
Mainwaring, T.
Masterman, J.
Maxwell, hon. J. P.
Morris, D.
Muntz, G. F.
Napier, Sir C.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Newry, Visct.
O'Brien, A. S.
Packe, C. W.
Palmer, G.
Pattison, J.
Pechell, Capt.
Plumptre, J. P.
Polhill, F.
Rashleigh, W.
Rendlesham, Lord
Rice, E. R.
Richards, R.
Rolleston, Col.
Rushbrooke, Col.
Ryder, hon. G. D.
Shaw, rt. hon. F.
Sibthorp, Col.
Smith, A.
Smyth, Sir H.
Spooner, R.
Spry, Sir S. T.
Stanley, E.
Stewart, P. M.
Taylor, E.
Taylor, J. A.
Thompson, Ald.
Tollemache, J.
Tower, C.
Trollope, Sir J.
Turner, E.
Turnor, C.
Tyrrell, Sir J. T.
Verner, Col.
Vyvyan, Sir R. R.
Waddington, H. S.
Wakley, T.
Welby, G. E.
Williams, W.

TELLERS.

Duncombe, T.
Hindley, C.

List of the NOES.

Acheson, Visct.
Acland, Sir T. D.
A'Court, Capt.
Adderley, C. B.
Ainsworth, P.
Aldam, W.
Archbold, R.
Arundel and Surrey, Earl of
Bagot, hon. W.
Baillie, Col.
Baine, W.
Baird, W.
Barkly, H.
Baring, rt. hon, F. T.
Baring, T.
Baring, rt. hn. W. B.
Barnard, E. G.
Barrington, Visct.
Bellew, R. M.
Bentinck, Lord G.
Blackburne, J. I.
Blake, Sir V.
Blakemore, R.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowes, J.
Bowles, Adm.
Bowring, Dr.
Bramston, T. W.
Browne, hon. W.
Brownrigg, J. S.
Bruce, Lord E.
Buller, C.
Buller, E.
Butler, P. S.
Byng, G,
Cardwell, E.
Carew, W. H. P.
Castlereagh, Visct.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Chapman, B.
Chelsea, Visct.
Childers, J. W.
Clayton, R. R.
Clements, Visct.
Clerk, rt. hon. Sir G.
Clifton, J. T.
Clive, Visct.
Clive, hon. R. H.
Cockburn, rt. hn. Sir G.
Colebrooke, Sir T. E.
Collins, W.
Corbally, M. E.
Dorry, rt hon. H.
Courtenay, Lord
Cowper, hon. W. F.
Craig, W. G.
Cripps, W.
Damer, hon. Col.
Dawson, hon. T. V.
Denison, W. J.
Dickinson, F. H.
Divett, E.
Dodd, G.
Douro, Marq. of
Drummond, H. H.
Duncan, Visct.
Dundas, F.
Dundas, D.
Easthope, Sir J.
Eastnor, Visct.
Ebrington, Visct.
Elphinstone, H.
Emlyn, Visct.
Escott, B.
Esmonde, Sir T.
Estcourt, T. G. B.
Etwall, R.
Ferguson, Col.
Ferguson, Sir R. A.
Fitzmaurice, hon. W.
Fitzroy, hon. H.
Fleetwood, Sir P. H.
Flower, Sir J.
Forster, M.
Fox, C. R.
Fremantle, rt. hn. Sir T.
French, F.
Gardner, J. D.
Gaskell, J. Milnes
Gill, T.
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Godson, R.
Gordon, hon. Capt.
Gore, M.
Gore, hon. R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marq. of
Granger, T. C.
Greene, T.
Grey, rt. hon. Sir G.
Hale, R. B.
Halford, Sir H.
Hamilton, W. J.
Hamilton, Lord C.
Harcourt, G. G.
Hatton, Capt. V.
Heneage, G. H. W.
Heneage, E.
Henniker, Lord
Herbert, rt. hon. S.
Heron, Sir R.
Hervey, Lord A.
Hinde, J. H.
Hobhouse, rt. hn. Sir J.
Holmes, hon. W. A'C.
Hope, hon. C.
Hope, G. W.
Horsman, E.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, P. H.
Hume, J.
Hutt, W.
Ingestre, Visct.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Kelly, F.
Labouchere, rt. hn. H.
Lambton, H.
Lennox, Lord A.
Liddell, hon. H. T.
Lincoln, Earl of
Listowel, Earl of
Loch, J.
Mackenzie, W. F.
Macnamara, Major
M'Geachy, F. A.
M'Neill, D.
Mahon, Visct.
Manners, Lord J.
Marshall, W.
Martin, J.
Martin, C. W.
Martin, T. B.
Matheson, J.
Metcalfe, H.
Mitchell, T. A.
Mordaunt, Sir J.
Murphy, F. S.
Neville, R.
Nicholl, rt. hon. J.
Norreys, Sir D. J.
O'Brien, J.
O'Connell, M. J.
O'Conor Don, The
O'Ferrall, R. M.
Oswald, J.
Owen, Sir J.
Pakington, J. S.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.

Pendarves, E. W.	Tennent, J. E.
Philips, G. R.	Thesiger, Sir F.
Phillpotts, J.	Tollemache, hon. F. J.
Pigot, rt. hn. D.	Tomline, G.
Pigot, Sir R.	Towneley, J.
Power, J.	Trelawny, J. S.
Praed, W. T.	Trench, Sir F. W.
Pusey, P.	Trevor, hon. G. R.
Rawdon, Col.	Tuite, H. M.
Redington, T. N.	Vane, Lord H.
Repton, G. W. J.	Vernon, G. H.
Roche, E. B.	Villiers, Visct.
Roebuck, J. A.	Walker, R.
Ross, D. R.	Wall, C. B.
Round, J.	Warburton, H.
Rous, Capt.	Watson, W. H.
Rumbold, C. E.	Wawn, J. T.
Russell, Lord J.	Wellesley, Lord C.
Russell, Lord E.	Wemyss, Capt.
Russell, C.	Westenra, hon. J.
Sandon, Visct.	White, S.
Seymour, Lord	Whitmore, T. C.
Seymour, Sir H. B.	Wilde, Sir T.
Sheil, rt. hon. R. L.	Wilshere, W.
Smith, B.	Winnington, Sir T.
Smith, rt. hn. T. B. C.	Wood, C.
Somerset, Lord G.	Wood, Col. T.
Somerville, Sir W. M.	Worsley, Lord
Somes, J.	Wortley, hn. J. S.
Stansfield, W. R. C.	Wrightson, W. B.
Stanton, W. H.	Wynn, rt. hon. C. W. W.
Staunton, Sir G. T.	Wynn, Sir W W.
Stuart, Lord J.	Wyse, T.
Stuart, W. V.	Yorke, hon. E. T.
Strutt, E.	TELLERS.
Sutton, hon. H. M.	Young, J.
Tancred, H. W.	Baring, H.

House adjourned at a quarter past two o'clock.

HOUSE OF LORDS,

Thursday, May 22, 1845.

MINUTES.] *Took the Oaths.*—The Bishop of Ely.

BILLS. *Public.*—2ª. Charitable Trusts.

Private. — 2º. Hemel Hempstead Small Tenements; Gildart's (or Sherwen's) Estate; Ellison's Estate.

Reported.—Boddam Harbour; Clifton Bridge; Huddersfield Waterworks; Stoke-upon-Trent Market.

3ª. and passed—Southwark and Vauxhall Water Company; Edinburgh Life Assurance Company; Middlesex County Rates; Plymouth and Stonehouse Gas; Devonport Gas.

PETITIONS PRESENTED. By the Archbishop of Canterbury, Bishops of Gloucester, and Cashel, and by Earls of Eldon, Devon, and Fitzwilliam, from Ewell, and several other places, against Increase of Grant to Maynooth College.—From Stromness, and Loth, against Railway Trains running on the Sabbath.—By Bishop of Winchester, Marquess of Lansdowne, Earl of Devon, and Lords Ashburton, and Brougham, from several Charitable Institutions of the City of London, and others, against the Charitable Trusts Bill, and praying for Exemption.—From Frome Selwood, in favour of Sanatory Regulations.—From Exeter, and from Commissioners of the Loughborough Court of Requests, against the Insolvent Debtors Act Amendment Act.—From Bromsgrove and several other places, for Repeal of the 57th Clause of Insolvent Debtors Act Amendment Act, and in favour of the Establishment of Local Courts.—By Earl Fitzwilliam, from Baptists of Welshpool, and from several other places, for the Suppression of Intemperance.—By Marquess of Lansdowne, from Lancaster, Chester, and Launceston, in favour of Increase of Grant to Maynooth College.—From Sutherland, and Caithness, for Improving the Condition of Schoolmasters (Scotland).—From Freemen of Nottingham, against the Nottingham Inclosure Bill.—From General Assembly of Newfoundland, for Alteration of Post Office Regulations in that Colony.

THE NORTH AMERICAN MAIL STEAM PACKETS.] Lord *Brougham* presented a memorial from the General Assembly of Newfoundland, signed by the Speaker, praying that the Royal Mail Steam Packets should, on their way to Halifax, touch at St. John's. By the present arrangement, the mail-bags were taken to Halifax, and then sent back to St. John's, thus losing the time consumed in sending the Newfoundland mails unnecessarily a distance of 1,000 miles, it being about 500 miles to Halifax from St. John's.

Lord *Stanley* could not complain of the course which the noble and learned Lord had taken, in stating the substance of the petition, nor did he at all question the very great importance of the subject to which it adverted. It would, however, have been more convenient to their Lordships, and more satisfactory to the petitioners, if the noble and learned Lord had informed him that he was about to present the petitition, and thus have enabled him to ascertain the facts of the case, and to make such a statement as might be satisfactory to the House and to the petitioners. [Lord *Brougham:* Let it stand over then.] Oh, no; I am not anxious to give my noble and learned Friend the opportunity of making another speech. The noble Lord then stated that he wished their Lordships to bear in mind that it was impossible to make Post Office arrangements for the advantage of one Colony alone, without considering the wants and consulting the benefit of the other Colonies. Besides, the harbour of St. John was only open during certain portions of the year, whereas that of Halifax was open the whole year round. He was aware that frequent official correspondence had taken place on this subject, and that the attention of the Government had been anxiously directed to ascertaining the best mode for the safe and speedy transmission of the mails passing to and from the Colonies.

Lord *Brougham:* I think that my noble Friend, was exceedingly premature with his

pleasantry, and to tell the truth, I never heard a piece of pleasantry which had less foundation in fact. Indeed, it is not the nature of pleasantry to be always founded on fact; and it is often the more entertaining and lively from its not being so founded—which latter was the case in the present instance, without its being either entertaining or lively. There was no fact and very little joke in what the noble Lord said; but that is his misfortune, and not his fault. As to the harbour of St. John's being closed during certain portions of the year, that would not preclude an arrangement being made whereby the mails would be sent direct to that harbour when it was accessible. The objection is—at least one objection—that the harbour is not open during the whole year. But the mails are now sent to Halifax, and then a portion of them sent back to St. John's, and I cannot see how the harbour can be more open for the admission of mails, after they have been sent to Halifax, and thus, before they reach St. John's, made to travel an additional 1,000 miles, by being sent the roundabout instead of the direct way. But it may be said, that during a great part of the year the mails are sent overland to Newfoundland from Halifax—a statement only partially true, and one which it is impossible can be wholly true, inasmuch as it cannot be sent all the way by land, from the intervention of the sea. I trust your Lordships will not lose sight of the prayer of this petition.

Greece.] Lord *Beaumont* rose, in compliance with the Notice which he had given on Tuesday last, to move for the production of Papers and correspondence relating to recent events in the kingdom of Greece. He thought that their Lordships would require no apology from him for bringing this subject before them. Nor did he anticipate that they would consider him either premature or unreasonable, if while he asked for further information on the subject, he should endeavour to obtain from the Secretary for Foreign Affairs an assurance that he had taken such steps as would tend to prevent the present alarming state of affairs in Greece, assuming a still more serious character. Not only had all the expectations which had been raised by the Greek people, during the time of the Revolution, as it had been called, or rather during the changes which had taken place in the former Government of that country, in September, 1843, been blasted; but from that period scenes had taken place in the internal arrangements of Greece, in its elections, in connexion with all the liberties which the Greek people had acquired by their Constitution, which, he was sorry to say, had verified the fears of those persons who then stated that that people were not sufficiently advanced in the knowledge of self-government to enjoy, without danger to their neighbours, if not to themselves, those constitutional rights which they then acquired. Not only had Athens become the scene of the deepest and strangest intrigues—not only had all questions of a purely Greek character been forgotten and altogether overlooked in party quarrels, but even beyond the internal affairs of Greece, beyond the frontiers, had that country already shown a total disrespect, not only for treaties, but for the common laws of nations—for the common practice of international friendship; and set at defiance the common laws of humanity, by establishing on the frontiers of Turkey an absolute system of brigandage. If the information recently received from Greece was correct, if the news which had arrived within the last few days, and had been publicly stated in the papers, was true, Greece had already, on the frontiers of Turkey, assumed an attitude which was well calculated to excite alarm, and which appeared to call for some decided course of action on the part of the guaranteeing powers. He would, before he sat down, quote passages from the despatches of the noble Earl opposite (Lord Aberdeen), which left him (Lord Aberdeen) no choice with regard to this question. He would quote passages which showed that the noble Earl was pledged as to what he would do under such circumstances as now existed in Greece, and passages which bound the noble Earl no longer to remain inactive, but to step forward, and, in his own words, to take "strong and peremptory measures" for the purpose of putting an end to the present state of things on the Greek frontier of Turkey; to maintain the integrity of the Turkish Empire against the marauders of Greece; and also to protect it from that spirit of propagandism which was now being so rapidly spared throughout its provinces. The Government of Greece was now in the

hands of a person totally incapable of performing the duties appertaining to the position which he held, and who, from his former career in life, the country and Europe at large might well have supposed would have been the very last person selected for the performance of the important duties devolving upon the chief Minister of the State. He did not think it necessary to enter, at that time, into the minute and disgusting intrigues by which such a deplorable state of things was effected; yet he must still remind their Lordships how parties did at present stand in Greece. What were these parties, and what their object and their character? There were at present three great parties in Greece, widely distinguished from each other even by their respective denominations; and the hopes expressed in September, 1843, that these parties would, if not immediately, at least speedily, coalesce into one for the good of Greece, had totally failed, and intrigues, instead, were still continuing, and as much in force now as they were three years ago. The three great parties which at present divided the Greek kingdom between them were commonly called, as their Lordships were well aware, the English, the Russian, and the French parties. Each of these was supposed to have at its head one of the Greek leaders; and thus these leaders were supposed to represent the three different interests adverted to. It was well known that Mavrocordato was supposed to be at the head of the English party. From his previous habits, and from his education at and residence in Constantinople, he, perhaps, had, of all the others, the greatest knowledge of European policy; and he might say, that if any individual could have been selected in Greece to direct the affairs of that country, in whom Europe could repose its confidence, Mavrocordato was the man. But the party which he was supposed to represent was anything but in the ascendant at present in Greece. Not only had he no voice in the guidance of affairs at present, but the election of Mavrocordato had actually been four different times set aside; and he (Lord Beaumont) believed that he had not yet succeeded in obtaining a seat in Congress. The second party to which he alluded was the Russian party. That party was well known and familiar to their Lordships as the Nappist party, and was supposed to be represented by Metaxa. This party was noted for the depth and persevering character of its intrigues, as well as for the pliability and address with which it adapted itself and made court to every discontented body that rose in the State. It had allied itself with the Philorthodox Society, who sought to sever the Church of Greece from the Church of Constantinople, by declaring its independent of the Patriarch; and thus enabling the friends of Russian ambition to propose a union of the Greek and Russian Churches, which would have secured to the Emperor an unlimited influence in Greece. Metaxa, the man who was the supposed head of the Russian party at this moment, had been constantly changing from side to side, being now with the English, and now acting with the Russian party; which gave to his conduct an appearance of inconsistency which could only be explained by the ultimate but secret objects of his party. The third party in Greece was the French party; but why it was designated the French party, he was utterly at a loss to understand; because, certainly, the policy which it seemed to adopt could be no more for the interests of France than for those of England; being, in his opinion, equally inimical to both. But that party had, somehow or other, obtained great favour in the eyes of France, and also in the eyes of all those who were anxious for the disturbance of the East—who were anxious to sow the seeds of difficulty there, so that in the confusion which might ensue, they might have the opportunity of carving out and obtaining for themselves a portion of the advantages which an unscrupulous aggression might secure to them. At the head of this party was Coletti. This man was long known as the head of the Palikars. The Palikars were originally the militia of Turkey. A portion of them were regulars, and kept in strict discipline; but the rest had long sunk to the condition of brigands. It was as the representative of the latter portion of the Palikars that Coletti had always been known in Greece. Without going far back into the recent events in Greece —to the time when the Three Powers offered their intervention, or subsequently, when by Treaty they acknowledged the independence of Greece, or again, when by conference, still later, they extended the limits of that kingdom—without going

back to these events at present, he would merely allude to the Papers which were in their Lordships' House, and which were placed on their Lordships' Table subsequently to the revolution of September, 1843, already alluded to. Their Lordships were aware that, in 1841, the Government of this country, and also M. Guizot, were of opinion that as yet a complete constitutional Government should not be given to Greece. The Russian party, however, did not give in its adherence to that opinion; and it was then that Metaxa, who formerly entertained very different sentiments, coalesced with the ultra-Liberal party, and arranged with that party to upset, by a *coup d'etat*, the then existing state of affairs, and to substitute a constitution in the place of the form of government which then obtained in Greece. It was well known that they met before the palace of the King; it was well known that they were successful. Kalergis was the leader of this movement; but Kalergis was also the first to restrain the violence of the successful party, and interfered between the King and the people when the latter sought the expulsion of the former, and the former hesitated to acknowledge the constitution proclaimed by the latter. Metaxa was a party to this movement, and Catakasy, the Russian Minister, was supposed to be both cognizant and approving of it. The Russian Government subsequently disavowed the connivance of its agents; but it is acknowledged that Metaxa and the Nappists were the chief supporters of Kalergis and the movement party. These events were now well known both here and on the Continent; and it was also well known that, at the advice of England and France, the King, after refusing, acceded to their proposals, adopted the constitution proposed by them; and from that period it was hoped that the three contending parties, by coalescing to support the new state of things, would put an end to the pitiful intrigues which had theretofore existed. Such a consummation, however, was not, it seemed, to be achieved. Intrigues still followed; but before he alluded to these, their Lordships would allow him to remind the noble Earl of some passages to be found in the Papers at that time laid on the Table of the House, and in which were the passages to which he alluded, when he said that the noble Earl had no choice left as to the conduct which he was bound to pursue in view of the present state of affairs in Greece. In a letter (No. 5, from Lord Aberdeen to Sir Edmund Lyons), dated October 25, occurred this passage. The noble Lord here read the passage, which was to the effect, that it might be necessary for the three guaranteeing Powers to exert themselves to moderate the projects of the Greek parties, since, however temperate and cautious they might hitherto have been, exaggerated propositions might be brought forward at the next meeting of the National Assembly. The despatch then proceeded in these words:—

"Any indication, should such appear, of an intention to interfere in the affairs of the Turkish Empire, and to introduce political changes in the condition of any of its provinces, would at once be firmly and peremptorily repressed."

In another despatch he found the following:—

"Any extension of the franchise to subjects of the Porte, would afford just cause of umbrage to the Turkish Government, and would lead to the most serious consequences. It may not be superfluous at the present moment, when excited feelings prevail to add a warning against any interference in the affairs of neighbouring States. Her Majesty's Government would not view with indifference, or indeed tolerate, any attempts to produce disaffection and create disorder in the provinces of the Turkish Empire."

At the same period Sir Stratford Canning wrote to the Earl of Aberdeen, and stated that Reschid Pacha had called on him, and had spoken of the affairs of Greece, stating that precautions had been taken on the part of the Turkish Government, and which appeared to Sir S. Canning to be extremely moderate. Sir S. Canning further stated, that the Turkish Minister had told him that the Council had determined to abide by the precautionary measures already adopted, and that they would watch the course of events, and rely, in the meanwhile, upon the three guaranteeing Powers. In reply, the noble Earl stated that he was perfectly satisfied with the part taken by the Turkish Government as regarded the events then passing in Greece; and further, that the Porte might rest assured that the Allied Powers would not tolerate any projects of encroachment or ambition on the part of the Greek State. The noble Earl was well aware that the whole tenor of the correspondence just referred to tended to

one end, an assurance to Turkey that its interests would be respected; and also to Greece that any attempt on its part to interfere with Turkey, or to make any attack on the frontier of the Empire, would be immediately repressed. Having stated thus far, he would now proceed briefly to lay before their Lordships what he believed were the events which had recently transpired on the frontier. The present Greek Government had, in the first place, allowed to be issued pamphlets, proclamations, and written documents, proposing an extension of the Greek frontier, and also appealing to those Greeks who inhabited the Turkish Empire, and who were members of the Empire, to join them in their intention of aggrandizing the State of Greece, and to raise even an insurrection in Turkey. They had debated in the National Assembly of Greece the propriety of extending the franchise to Greeks who did not reside in Greece, and even in that assembly too, if his information were correct, had they openly spoken of the extension of their present frontier. Greece was not in the same position as other independent States: her frontiers were fixed by the Three high Powers of Europe, and guaranteed against all invasion by them. He did not question the right of the Senate to make what alterations they liked in the internal government of the country—nor did he deny them the privilege of seeking commercial advantages in their relations with neighbouring States; but he maintained that they could not avow an aggressive policy without forfeiting the protection of the guaranteeing Powers. The Greek villages and districts bordering on the Ottoman territories were inhabited by a race of robbers; and yet amongst these very borderers they allowed bodies to be organized, whose sole occupation seemed to be the pillage of their more peaceful neighbours. These bands were authorized by the Government itself, and designated by them as part of the forces of the State. They had, moreover, placed this army—if an army it might be called—upon the frontiers of Turkey. Some time since, one of the officers of this army made an invasion of the Turkish territory. The Porte then complained of what had taken place. A mock trial took place at Athens, and this man was acquitted. Since that time he had been appointed to the command of the army on the frontier, and another officer under his command had, since that appointment, passed the Turkish frontier. An encounter took place, in which blood was shed. Luckily the Turkish forces seized on those who made this wanton incursion, and, he believed, had punished some of the ringleaders. Such was at present the state of affairs on the frontier. Throughout the whole of Turkey, there were at this moment societies existing for supporting this wild scheme of the Greeks, for the extension of their territory; and the Reis Effendi was constantly complaining to the ambassadors of the Three Powers with regard to the manner in which the pamphlets and other documents to which he had alluded were circulated. Now then he had come to this conclusion, that the state of affairs alluded to by the noble Earl had actually arrived, and that the noble Earl had now no choice left, but must act up to his promises to Turkey, and up to his threats to Greece. He (Lord Beaumont) must, before concluding, qualify to some degree a remark which fell from him at the commencement of the statement which he had just made. He had spoken of Greece as not being yet fit for a constitutional Government. He believed that very few countries when they first acquired such government were fit for it; for it was necessary that they should possess it for a short time before they became properly accustomed to its privileges. So far from regretting the events of September in Greece, he was rather glad that they had taken place; but, considering Greece as merely the creation of the Three Allied Powers, they should take care how that constitutional Government was proceeded with in Greece; and take care also that nothing should arise in the early period of its existence which might eventually lead to its destruction, or cause it to become dangerous to surrounding countries. He did not call for any interference in the internal affairs of Greece. He called upon the Government merely to prevent Greece from doing that which might embroil the whole world—from doing that which they would prevent Turkey from doing, should it attempt it—to prevent it, in short, from doing a great injustice to a neighbouring Power. Greece had nothing to fear from foreign invasion on the part of Turkey, and consequently the idea of collecting an army on the frontier of Turkey was an absurdity in itself. A good system of

police was necessary for Greece; but no army was necessary, since its Turkish frontier had the guarantee for its preservation of the Three Powers. What had Turkey done under recent aggravating circumstances? The Ottoman Government had behaved better in this instance than most European Powers would have done. With a great degree of patience they had borne long and long the attacks made upon them from Athens, and had, in good faith with their Foreign Allies, joined in council with them, listened to their advice, and complied with that advice. They had trusted implicitly to the Foreign Powers; and now if these Powers —which had assured them that their Greek subjects would not be interfered with—deserted them, such desertion would be a monstrous breach of all national faith, a monstrous and cruel injustice inflicted upon Turkey—an injustice which must, sooner or later, bring its punishment along with it. He did not come forward for the purpose of criticising the domestic Government of Greece: he might regret the total abandonment of all principle of justice and wisdom displayed by the present Ministry: he might condemn the means taken to put aside the elections of its opponents as unconstitutional: he might consider the disbanding the regular troops, and substituting in their place the Palikars, as a system of anarchy; but he did not call for any explanations on these grounds. He carefully confined himself to those acts of the Government which affected the foreign relations of the country, and which, therefore, came within the direct province and office of the Allied Powers. It was their duty to maintain peace between the two countries; and the recent proceedings threatened that peace. Having thus stated the extent to which he hoped an explanation by the noble Earl would be given, he would now proceed to move—

"That an humble Address be presented to Her Majesty, for Copy of Correspondence between the Foreign Office and the English Legations at Athens and Constantinople, relating to recent Events in Greece."

The Earl of *Aberdeen* said: From the Notice given by the noble Lord of his intention to move for Papers relating to recent events in Greece, it was not very easy for me to know what was the precise object he had in view, or indeed to form any correct opinion of what events he referred to. From the speech of the noble Lord, I imagine that he refers to certain incursions on the Turkish frontiers committed by Greek "troops," as he calls them. I beg to assure the noble Lord that in so designating them he is in error, and that he has been misinformed. As far as I have been able to learn, in the month of March last, a band of robbers—of two or three dozen robbers—did pass the Turkish frontier, killed two unhappy people, and robbed a house. This is the invasion which the noble Lord calls on the Three Powers to unite in repressing. I have not the least doubt that those excesses are as much lamented at Athens as they can be at Constantinople. The Greek Government had nothing to do with the lawless acts of the banditti which are too often to be met with in the provinces of that country. The army which the noble Lord states to have been sent to the frontiers has no existence except in his own imagination. The Greek Government has sent no army to the frontier. It is true that the Turkish Government, being provoked by incendiary proclamations and intrigues, have advanced a force to their frontier; and, although I think the measure one of questionable wisdom, I cannot find fault with the Turkish Government for taking measures which they thought necessary for their own protection. But the Greek Government possesses no means of preventing the proclamations to which the noble Lord has referred. Greece has a free press; and the Greek newspapers publish the matters alluded to by the noble Lord, quite independently of their Government; the Turkish Government wishes to prevent the circulation of those publications, but the Greek Government cannot prevent their publication: so much for the invasion of the Turkish territories. The noble Lord has described the state of the Government and Administration of Greece; and he has pretty candidly confessed that his Motion has been made, not for the object of acquiring any information which the Papers he has moved for would furnish, but for the purpose of a due compliance with the Orders of the House. There is no information, except with respect to the insignificant affair I have referred to, which is in the possession of the Government. There is a short account of that; but I should be unwilling to bring before the House the details of a mere act of robbery, unconnected with the Government of Greece. The noble Lord has described at some length the various parties into which Greece is

divided; and the noble Lord is perfectly free to make any comment which he may think proper; but he can hardly expect me to follow him in a criticism upon the internal government of that or any other country. My business is, as far as I am able, to preserve the relations of friendly intercourse between Her Majesty and the Government of that country. If it be true that King Otho has chosen a very bad Minister, that is his misfortune, and the misfortune of the country; but how we were to interfere in order to prevent it is not very apparent. Perhaps the noble Lord may think that this is a misfortune which has befallen, and may befall, other countries as well as Greece. I do not know how he can expect that we should advise His Hellenic Majesty as to the choice of his Ministry. With respect to the three parties in Greece, to which the noble Lord has referred, I have always regarded it as the greatest misfortune that could befall Greece; but when he says that the English party is at the very lowest abyss of degradation, I am of opinion that the noble Lord is much mistaken—the gentleman he refers to was never otherwise than friendly to this country. The friendship of Greece towards this country not only exists now, but has always existed, quite as much as this country has a right to expect that it should exist. What is it we ought really to desire to see in Greece? What is it upon which English influence there really depends? It is upon the wealth, upon the integrity, upon the enterprise of our merchants, and upon our commercial dealings with that country. That is the real source of our influence, and that is all the influence which it is necessary for this country to possess. Whether the internal administration of Greece might not be better ordered is not for us to inquire; but the noble Lord may be assured that the rights of British subjects will always be protected and attended to, be the Minister who he may, either Colletti or any one else. I assure him also that there is no intention whatever on the part of the Three Powers to tolerate any act of aggression on the part of the Greek Government against the Turkish Empire. But are the Three Powers to be called upon to interfere, because a band of robbers had put to death one or two persons in a village, robbed a house, and then returned to their own country for safety—persons quite unconnected with the Greek Government? The noble Lord can hardly be serious when he applies to such a state of things the declaration I refer to. I hope the force which the Turkish Government has sent to the frontiers will act with the prudence and forbearance for which the noble Lord gives them so much credit; and as, at present, no force is opposed to them, their advance is directed entirely against pamphlets and newspapers. Whether the measure will protect the Turkish provinces from the intrigues excited by those publications, I know not; but this is quite independent of any hostile aggression on the part of the Greek Government. I abstain from giving any opinion upon the other points mentioned by the noble Lord; and I will only add, that whatever party be in power, the rights and privileges of British subjects will be properly maintained; and, as far as any hostile aggression on the part of the Greek Government upon the Turkish provinces is concerned, it has been confined to the affair of which I have given the details. There are no Papers I am aware of which can answer the object of the noble Lord, and I must decline to hunt out any that may meet his views. The only subject is the incursion of two or three dozen robbers, which is not, in my opinion, worthy of your Lordships' consideration.

Lord *Beaumont* had never doubted that the interests of British subjects would be attended to. His wish was to know what course the Government might think proper to adopt in a case of the aggravated nature which this had been represented to him to be. If the information which he had received was true, there was a body of men equivalent to an army, in respect to the harm it might do, although not in respect to discipline. There was an undisciplined body of Palicars on the frontiers of Greece. If the noble Lord refused the Papers, he could not press the Motion, and should consequently ask leave to withdraw it.

Motion withdrawn.

Charitable Trusts Bill.] The *Lord Chancellor*: I rise, my Lords, for the purpose of moving the Second Reading of the Charitable Trusts Bill, and I shall state to your Lordships, very shortly, what is the nature of this measure, what the object it is intended to accomplish. My only purpose at present is, to make this measure distinctly understood by your Lordships and the public. Your Lordships, no doubt, recollect that in the year 1818, originating in a Motion made by my noble and

learned Friend (Lord Brougham) in the other House of Parliament, a Commission was appointed for the purpose of inquiring into Charitable Trusts in England and Wales. That Commission was, from time to time, renewed, under the authority of successive Acts of Parliament, until the year 1837. It is due to the gentlemen who were members of that Commission to state—and I am sure I shall be confirmed in the remark by everybody who is able to appreciate their labours—that they discharged their trust with the utmost diligence, zeal, and ability; they have published thirty-seven volumes of Reports, containing a most valuable digest of information relating to all the charities in the kingdom. They had no power to reform abuses, their function was only to inquire; but the mere publication of their Reports has tended to correct abuses in a great variety of instances, and has, I am sure, in many other instances prevented abuses of a similar description. It was always imagined that these Reports would be followed by some legislative measure; and your Lordships will no doubt be aware that in the year 1835, before the last Commission was issued, a Committee of the other House of Parliament, consisting of the most distinguished Members of that House—of whom my hon. and learned Friend the Solicitor General was one—was appointed for the purpose of considering the propriety of legislating upon the measure, and upon the subjects that had been already presented to them by the former Reports. A Report was made, and it was always expected that that would be followed up by some measure for the purpose of correcting these abuses in future, and for the purpose of providing a more vigilant inspection of the establishments of charities of this description than had hitherto existed. I believe that some attempts at legislation were made, but they were attended with no practical result; and I have felt it my duty as one of Her Majesty's Government, in connexion with the other Ministers, to bring forward a Bill for the purpose of supplying that defect. I submit this measure to your Lordships' consideration, and I will state to you very shortly the grounds upon which it rests. Your Lordships are aware that the only tribunal in this country that has cognizance of breaches of trust and other matters connected with charities is the Court of Chancery. I am ready to admit, from the experience which I have had in that Court, that there is no tribunal better calculated to do complete justice in cases of charities than the Court to which I have referred. A series of successive decisions by men of great eminence has established a system—perfect, as it appears to me—for the purpose of doing justice in cases to which the machinery of the Court is applicable. Wherever, therefore, there is an endowment of any great extent, dealing with a sum of any magnitude, no tribunal can be better constituted for the purpose to which I have referred than the Court of Chancery; but, my Lords, unfortunately, from the constitution of the Court—from the nature of the tribunal, it is inapplicable to small charities. To go into the Court of Chancery in the case of a charity of 20*l.* a year, would be a practical absurdity. Everybody knows that the mere entry into that Court, the delivery of briefs to counsel, and the proceedings long before the decree or final order, would in all probability, with respect to a charity of that amount, entirely absorb and destroy the fund. A very eminent individual, Sir Samuel Romilly, attempted in some degree to lessen the expense. I think it was in the year 1812 that he introduced his Bill, the object of which is declared in the preamble to be, to give a more summary jurisdiction in cases of breaches of charitable trusts. He provided that instead of proceeding by information in the cases to which the Bill applied, the party might proceed by petition presented to the Chancellor, and the Chancellor might summarily decide the matter upon affidavit. The word "summarily" must not be taken in its ordinary sense; but must be construed according to the glossary of the Court of Chancery, because I can inform your Lordships what the course of proceeding is under the Bill. I admit that, by this Act, great improvement was made, diminishing greatly the expense in the cases to which it is applicable. A petition is presented to the Lord Chancellor; it is served on the opposite party, whose conduct is called in question, it comes on on the appointed day, there is an array of two or three counsel on one side, and two or three counsel on the other. It is argued, perhaps, one, two, three, and four successive days. Questions arise which have to be referred to the Master; it goes into the Master's Office, litigation there continues, the Master makes his report, the report is returned to the Chancellor; exceptions, perhaps, or objections are

made to the report; possibly the report is confirmed, possibly it is referred back to the Master; and after all, when the final order of the Chancellor is made, it is subject to appeal to your Lordships' House. It is clear, therefore, that although the Bill is advantageous and beneficial to the suitors in cases practically within the jurisdiction of the Court of Chancery, it does not apply to cases such as those which I have described—viz., the infinite number of small charities which exist in the country. I cannot better, perhaps, impress this upon your Lordships' minds than by referring to a few instances. I take them as they happen; the Reports of the Commissioners are full of cases of this kind of defective jurisdiction—of cases in which no judicial control can be exercised over the charities, on account of the smallness of the amount and the expense of proceeding in the Court of Chancery. I state one instance, because it is a very common instance—the case of the charity at Battle, in Sussex, mentioned in the appendix to the valuable publication by Mr. Hine, so many years the Secretary of the Commission. It was a part of a house worth 48*l.* a year conveyed to trustees for charitable purposes. The trustees thought it would be desirable to sell the house, and invest the proceeds in the public funds. It was impossible to do this without an application to the Court of Chancery. That application was made. A bill was filed. It would be referred to the Master of course, as a matter of form, to ascertain whether the sale would be beneficial to the charity. The Master reported in favour of it, the sale took place, the money was invested in the public funds. Mark what was the cost of the proceeding as stated by the Commissioners. The taxed costs paid out of the charity were upwards of 300*l.*, six years' income of the charity, merely for the purpose of effecting a trifling arrangement of that sort. I will give your Lordships another instance stated also by the Commissioners, because, as I have before stated, the instances are innumerable. There is the charity at Lawford, in Essex. A small estate was given for charitable purposes; a lease was made of the estate of 60*l.* a year; some parties questioned the propriety of that—they thought the rent reserved was not sufficient. An information therefore, was filed, for the purpose of setting aside the lease, and proceedings went on in the Court of Chancery for a considerable period of time. At length both parties became tired of litigation; the result was, the information was abandoned by consent, on the condition that the relators preferring the information should pay their own costs, which was agreed to. What were the costs of the other side? The costs of the trustees and treasurer and churchwardens, directed to be paid out of the funds of a charity of 60*l.* year—the costs of these proceedings amounted to 650*l.* Your Lordships will see that it is impossible to carry on this description of proceeding, whether amicable or litigated, where the income of the charity is of small amount. It is entirely annihilated in the contest, or so reduced in amount as to render it absolutely necessary to devise some other means for administering a remedy. What is the effect of this? The consequence is, as the Commissioners over and over again say, the charities are actually lost. Parties will not go into Chancery to do that which is one of the securities for the continuance of the charity. The estate is given to trustees. Then there is no power in the instrument to renew the trust, or it might be renewed under certain circumstances. If there is no power to renew the trust, there is an end of it, unless you apply to the Court of Chancery. If there is a power to renew the trust, it constantly happens that through negligence the power is not exercised. What is the result? The estate ultimately vests in the surviving trustee, it goes by descent to his heir, and the trust is continued for some time. At last some party refuses to apply the money. When that takes place, there is no means of obtaining redress. The parties interested cannot apply to the Court of Chancery, because the expense would be more than could be borne. The result is that in hundreds of cases the charities are entirely lost. It is the same with respect to personal property where it is vested in the funds for charitable purposes in the name of certain trustees. The trust is not renewed, there may be no power to renew it; the same circumstance takes place, it goes to the surviving trustee, to his personal representative; the money is misapplied, there is no account of it, there is no practical tribunal that can afford redress, I will mention one instance of a rent charge—a common mode of giving charity. As far back as the year 1641, six almshouses, at Ashby, in Lincolnshire, were given for charitable purposes, to be supported by a rent charge of 30*l.* a year. Trustees were appointed in 1641,

and afterwards renewed in the year 1699. This is the statement of the Commissioners. After that, the trust was never renewed. The trustees all died, and there was an end of the trust. What happened? The landowner paid from time to time the rent charge to the vicar, in order that the vicar might distribute the funds according to the will of the founder of the charity. At last he was told, "You cannot do that safely, because no person can give you a sufficient discharge. I advise you not to pay this money any longer." What took place? In the year 1817, he discontinued the payment. After several years an information was filed against him, the object of which was to make him account for the arrears, and also for the appointment of trustees; and what was the result? The arrears were 370*l.*; he had to pay them up. What was the order of the Court? You must first pay the relators the costs out of the fund, and then you must pay the costs of the landowner, and the surplus you will pay over to the new trustees, for the benefit of the charity. The costs of the relators were 290*l.*; the costs of the landowner were 110*l.*; making in the entire a sum exceeding 400*l.*, which, being 15*l.* more than the sum to be paid up, left a minus quantity to be applied for the benefit of a charity. I mention these cases because they are authenticated, and, therefore, carry with them a greater impression and effect than any general statement which I could make, to satisfy your Lordships as to the actual state of things. Although I admit that the Court of Chancery is admirably well constituted for the administration of justice in cases to which it is practically applicable, yet it must be confessed that it cannot be practically applied with the hope of beneficial results to charities of this description. It may be supposed by some persons that charities of this kind are not of any great amount or of any extent. That impression, however, is a very mistaken one. The individual amount may be very small, but the aggregate amount is very considerable. Your Lordships who have not attended to this subject are not, perhaps, aware that, according to the Report of the Commissioners who were appointed to make inquiry into the matter, there are upwards of 13,000 charities of less than 5*l.* a year rental. There are 18,000 charities of which the rental does not exceed 10*l.* a year each. To these cases, then, it is obvious that the Court of Chancery is totally inapplicable for all beneficial purposes. There are 21,000 charities which do not exceed in revenue 20*l.* a year, to which the Court of Chancery is also practically inapplicable; indeed, I think I may fairly say, that the Court of Chancery cannot practically administer justice where the annual amount of these charities does not exceed 50*l.* There are 25,000 charities of that description. Now, what is the actual state of things in reference to them? There is no judicial control which can be exercised over them, nor is there any practical mode of remedying abuses which may exist in respect to them. If there were a property of this description applicable to ordinary purposes, would you not say it was monstrous that no judicial control could be exercised over it, or that there was no tribunal which could take cognizance of it in case of a violation of trust? But when you consider that here is a description of property which is intended to be applied to benevolent and charitable objects, the argument derives a tenfold force. The impression must, therefore, be strongly fixed upon your Lordships' minds, that there is a great necessity of providing some remedy for these evils. What, then, is the course which I recommend to be adopted by this Bill which is before you? I have referred to the Report of the Committee which had been appointed by the House of Commons for the investigation of this subject. The Report of that Committee recommended the establishment of a tribunal, to be composed of three Commissioners, who would hold their office during good behaviour. I have thought it right to take that advice; I have vested the administration of these charities, under certain limits, in the Commissioners thus designated. I do not think it necessary, upon the second reading of this Bill, to say what I think should be the limits of their jurisdiction: it is quite clear that a limitation up to 20*l.* a year will be at all events advantageous. I will go farther, and say that, in my opinion, their jurisdiction should be extended to all charities under the sum of 50*l.* a year. We are not, however, called upon now to decide that point. The principle of the Bill is to establish a tribunal that will administer justice in all those small cases to which the Court of Chancery is practically inapplicable. That is the principle of the Bill. There is another consideration involved in the measure. It is not merely that there must be a jurisdiction vested in the tribunal of the character I have just described, but there is another essential point with which we shall have to

deal in respect to the proper administration of justice in these cases. I am satisfied, my Lords, that nothing but a summary jurisdiction can be properly applicable: unless the jurisdiction be absolutely summary, it is impossible to avoid the evils which we know at present exist. We may, no doubt, lessen these evils, or mitigate them; but they will, nevertheless, still exist unless we adopt this principle. I propose, therefore, to appoint competent persons, on whom we can confidently rely, to discharge those duties which will devolve upon them; that they shall be independent of the Crown, and shall be placed upon the same footing as the Judges of the land. I propose that we shall invest such persons, in these small cases, with a power of deciding summarily upon what they may think right and proper, for the purpose of administering and protecting these charities. The power which I give to them in the first instance, is that of calling to account the trustees, to reform any abuses which may exist in the management of these funds, and to correct any misapplication of them. There is another most important point connected with the question, in respect to the administering part of the duty. I propose to give to them the power of appointing new trustees, the power to direct the sale of charity property when it is necessary, or the exchange of it. I propose that they shall have the power of granting leases, if necessary; and, in fact, to give them all those administrative powers which are now vested in the Court of Chancery. This, my Lords, is the outline of that part of the Bill which relates to small charities. I have now stated what is the principle of the Bill. But if any person can suggest a better mode of securing the due administration of these small charities, by which justice shall be properly administered to the objects of these charities, I shall be most happy to adopt such suggestions, and to abandon my measure. Until, however, I find a better mode of dealing with the evils which are complained of, I must adhere to that which I now suggest, which, as I have before remarked, is founded on the Report of the Committee appointed by the House of Commons. I cannot help thinking that this, after all, is the best system that could be adopted for meeting the evils which have been complained of so long. My Lords, I propose something further than that which I have stated—namely, that the jurisdiction of these Commissioners should not be confined merely to small charities but should also be extended to much larger ones. But with respect to this latter point I propose that the powers to be entrusted to these Commissioners shall be of a most limited kind. I propose to give them the power of calling for an account of the revenues and expenditure of all public charities in the kingdom. I shall not give them any power to correct abuses in respect to these particular charities; but if upon the result of those Returns it be shown that any abuses do exist, I give them a power to have the Attorney General set in motion, and the Court of Chancery will then be called upon to afford redress in the ordinary manner. I am fully satisfied in respect to what I am now proposing, that parties holding public situations as trustees should be compelled to give an account of all monies confided to their care, and of the manner in which they are expended and applied: that, in fact, will afford the best security that can be offered for the proper administration of those funds. Upon this ground, and upon this principle, I venture to make this recommendation. I am very sure that there are no persons holding these public situations, who are not fully impressed with the importance and responsibility of these duties; and, therefore, such persons cannot be affected by the clause to which I now refer. If I were called upon to give an account of monies which I had received for these purposes, and of their application, I should feel that I was bound accurately and readily to do so; for I should then feel that I was relieved from the responsibility that would necessarily attach to me, and I should be also relieved from those insinuations and charges which, in the dark, are thrown out, without perhaps the slightest foundation. Let public transactions where money is concerned be perfectly open; if this be the case, the best security will be given against any abuse of it. I am sure that persons holding such situations cannot do better than to court such inquiry, as privacy in respect to such money is, in my opinion, contrary to that policy which persons ought to adopt who hold such situations. Now this part of the Bill relates to the extended jurisdiction of these Commissioners. There is, however, another part of the Bill which requires some attention from your Lordships. I admit it to be a point which involves party considerations. I allude to municipal charities. Your Lordships may recollect when the Municipal Corporations Bill was passing through your House, much discussion took place in respect to charities—the charities

of which corporations were trustees, and their officers the administrators. You then adopted this course. The persons who were at that time trustees were permitted to continue in their situations up to a given period, unless in the meantime Parliament thought proper to interfere; and if Parliament did not within this period interfere, then at the termination of it these charities were to be administered under the direction of the Court of Chancery. Parliament did not interfere, and, therefore, at the end of the stated time, application was made to my noble Friend near me, who then presided over the Court of Chancery, to appoint new trustees. My noble Friend did appoint new trustees, as a matter of course, in this way: — he referred the subject to Masters in Chancery, who, having selected the trustees, made their report to the Lord Chancellor, who in almost every instance confirmed those appointments. I think that no better course could be now adopted, were it not for the expense which attended it; but when I give your Lordships instances of what that expense is, you will no doubt say that some more summary jurisdiction is necessary. I will now give you those instances. First, an application was made by the Corporation of Shrewsbury to the Court of Chancery for the appointment of new trustees; those trustees were appointed under the authority which I have stated. The costs of that proceeding were upwards of 540*l.*, after having been taxed. These costs were paid out of the charity funds for the mere appointment of new trustees. In the case of the Salisbury Corporation application was also made for new trustees, who were appointed in the same manner. The taxed costs of such application amounted to 408*l.*, which were paid out of the charitable fund. In like manner the Corporation of Exeter applied for the appointment of new trustees, the taxed costs of which application amounted to 600*l.* and upwards, which of course also came out of the charity; and if you were to take all these charges arising out of the appointment of new trustees, and add these costs together, the amount would have been enough to establish permanently three or four important and valuable charities. It is necessary also from time to time to renew those trustees. Parties may die, or may remove from the neighbourhood, or might be declared incapable of acting, in any of which cases application must be made to the Lord Chancellor to appoint new trustees. Several applications of this kind have been made to me, and several also to my predecessor in office. In Hereford there were six new trustees appointed, the taxed costs attending which amounted to no less a sum than 750*l.*, which were paid out of the charity funds. In the case of the Warwick charity, in respect to which the new trustees are about being appointed, I have not the least doubt that the taxed costs will considerably exceed that sum. Now, I ask your Lordships whether it is proper that this system shall continue? Why, if two or three respectable men, appointed for such purpose, were to go to the spot and would hear the opinions of the parties themselves on the subject, the appointment might be settled in a few hours, or, at all events, in a day. They could in this way arrange who should be the new trustees, in a manner which I have no doubt would prove much more satisfactory to all parties, than by having recourse to the kind of machinery for the appointment of them to which I have referred. What I propose then in respect to this subject is, that the Commissioners shall be invested with the power of filling up these vacant trusteeships under the Municipal Corporation Act. I know that this feeling is very prevalent; namely, that we wish to have the appointment of these Commissioners who are to be selected by the Crown, that is to say, by the parties who are in office for the time being; that those charities are important in respect to the political influence attached to them, and that in the election for Representatives of boroughs, and other seats in Parliament, they have practically great influence; and the question is asked, will you invest the Ministers for the time being with the power of filling up the vacancies by these Commissioners, who are so far political officers? My Lords, the answer which I make to this complaint is this—in the first instance the Commissioners who are appointed are to hold their offices during good behaviour: they are to take an oath for the due performance of their duties, and they become thereby independent of the Crown. They will hold their offices on the same tenure by which the Judges hold their seats upon the Bench. Every security and guard, therefore, that can be taken, will be taken, to avoid such a charge being substantiated. That is the first answer which I make to this objection. Now by whom are these trustees at present appointed? They are appointed

in effect and practice by the Masters in Chancery. By whom are the Masters in Chancery appointed? By the Ministers of the Crown. They take the oath for the due performance of their duties, and are precisely placed in the same situation as these Commissioners whom I propose to establish. There is no difference between them in their position or independence except this—that the decisions of the Masters in Chancery may be set aside by the Lord Chancellor, who is one of the Ministers of the Crown. I do not suppose that any person holding the Great Seal will be found to abuse that power of appointment for any political purpose; therefore, these appointments are not likely to make any difference in respect of their political influence. But the fact of there being an appeal from the decision of a Master in Chancery strengthens my argument, because the decisions of these Commissioners will be as independent of the Masters in Chancery as mine are; whereas those of the Masters in Chancery are liable to be set aside and reversed by the judgment of the Lord Chancellor, a Minister of the Crown. But for the purpose of avoiding all suspicion upon this subject, that I or my Colleagues are looking to these appointments as an important object for the extension of our political influence, I propose, after the second reading of the Bill, and before the Committee on the Bill, to name to your Lordships the individuals whom we shall suggest to fill these offices. I will not name them now, for until the Bill has been read a second time I cannot have any communication with them; I will, however, pledge myself to name them a sufficient time before you go into Committee on the Bill, to give full opportunity of approving of them; and then, the appointments cannot well be considered those of the Ministers of the Crown, but such as have been made at the recommendation of Parliament, and therefore Parliamentary appointments. But in cases of future vacancies these appointments must, no doubt, be made by the Government for the time being—that may indeed be considered a very prospective advantage. Whether any future appointments of this description may be settled by the now Ministers, or other individuals, it is not for me to anticipate. By the present proposition regarding the original appointments, I feel that I get rid of the objection as to the supposed influence on the part of the Crown, for we leave the question open to Parliament to sanction or reject the individuals I propose to nominate. My Lords, this is the outline of the measure which I propose. There is one consideration, and one only, which now remains for me to state to you, viz., in what manner the funds are to be supplied for the support of this tribunal. There are three modes in which this point may be met. They may either be provided out of the Consolidated Fund, or be raised by a small percentage upon the charities, in the same manner as has been done in the Bill for the appointment of visitors in cases of lunacy; and if this latter mode be adopted, one per cent. would form a fund sufficient for the purpose. Or you may provide a sufficient fund by the union of these two principles. What I recommend is, that a percentage of one per cent. should be raised on the charities—which for the purpose of defraying the expenses of this establishment would, I think, be amply sufficient; but if it should turn out otherwise, I propose that the deficiency should be provided out of the Consolidated Fund; that is my suggestion. This question, however, cannot be settled by this House, because the other House of Parliament alone is competent to make this arrangement. I have thought it my duty to throw out this suggestion, but it must depend altogether on the good will and pleasure of the other House of Parliament to take what course they may think proper. I have thus endeavoured to keep faith with your Lordships in detailing as shortly and as intelligibly as I could the objects of this Bill. The principle of the Bill is this—at present there is practically no judicial control over charities of the description to which I have referred. It is, in my opinion, a scandal that such a state of things should any longer exist. The object of my Bill is to establish another tribunal, constituted in the way I have described, with a power to administer the funds, and to protect the administration of these charities, and to avoid the heavy expenses of the present system, which is altogether inconsistent with the objects of these charities. This is the main foundation and principle of the measure. I have, however, grafted on it the power of making an inquiry; but an inquiry only into the amount and application of the funds of all charities; and, in addition to that, in consequence of the great expense attending the present mode of appointing the trustees of municipal charities, I purpose that these Commissioners shall, in the first instance,

exercise that power of appointment, and thereby avoid that course which involves an enormous expense on those charities, and a continual expense, by the necessity that exists of renewing the trustees from time to time, which has hitherto caused a very sad misapplication of the funds of the charity. My Lords, I now move that this Bill be read a second time.

Lord *Brougham* said, that every one of their Lordships would agree with him in admitting the very great importance of the subject involved in the Bill of his noble and learned Friend, and in the just eulogy which his noble and learned Friend had paid to the eminent and able persons who had at various times conducted inquiries into this subject, and had published such excellent reports of the results of those inquiries. He (Lord Brougham) had had thirty years' experience of the operation of the system, and he was in a condition to form an opinion as to the value of the inquiries which were conducted with reference to it; and he was able to say that not only was the information which had been given by the various Commissioners extremely valuable in an historical point of view, but the publicity which had been given to the proceedings of charitable trustees had produced the good effect of preventing many abuses, and making trustees in charities, where abuses had formerly existed, turn over a new leaf. He also felt, what every one must feel, in common with his noble and learned Friend, that the Court of Chancery was utterly useless as a remedy, in the case of charities of a small amount, and that the idea of expending 700*l.* or 800*l.* on a charity which amounted to 10*l.* a year was too absurd to be defended. There was, therefore, no doubt as to the propriety of establishing a system which would enable them to avoid such an expenditure; and the amount to which they would limit the operation of the Bill, was a question which might be left for future discussion. The Bill which his noble and learned Friend proposed contained many very important provisions, not only to rectify abuses, but to establish a better administration of the funds of the charities. It provided for the appointment of new trustees where vacancies occurred; but he did not understand it to provide for the appointment of trustees in the case of those charities which at present had no trustees, and with respect to which no opportunity could therefore occur of filling up vacancies. He had listened with the greatest satisfaction to the concise and luminous statement of his noble and learned Friend in moving the second reading of the Bill, in which he had clearly shown the necessity which existed for the establishment of a more summary mode of dealing with the appointment of trustees; but, with reference to the appointment of the Commissioners under the Bill, he should remark that the Masters in Chancery, to whom his noble and learned Friend had alluded, were men who held a high office, who were of high station in the Court of Chancery, and upon whose minds it could not be supposed that any political influence could have any effect in the discharge of their duties. They were altogether too high in station and character to encourage any such supposition. It might so happen that the persons who were to be selected to fill the office of Commissioner under this Bill would be also men of the same stamp and importance as the Masters in Chancery: he did not know; but even if it were so, he would remind their Lordships that they could not easily appoint a new Board, and on a sudden clothe it with all the confidence which the public reposed in an ancient and honoured institution. Then his noble and learned Friend had not fully stated his intention with respect to the appointment of Inspectors. He said something about the advantage of making inquiries on the spot; but he had not stated whether those inquiries were to be made by Inspectors or by the Commissioners. That was a portion of the subject which would be worthy of the attention of their Lordships when the Bill was before them at a future stage. There were many questions which were matters of detail, and did not affect the principle of the Bill; and to these matters of detail he did not consider himself pledged by the course which he might feel it his duty to take with respect to the question now before them. As regarded the constitution or mode of appointment and payment of the Commissioners, he had no doubt, speaking generally, that with Commissioners appointed by some mode or another, and paid in some economical way or another, a great improvement might be made upon the existing system, which frequently involved a very large expense, where the amount of the charity yearly was very small; and he would, therefore, vote for the second reading of the Bill, approv-

ing of the principle, but reserving himself from expressing his approval of the details until it came before the House at a future stage. He would propose that the Bill should be now read a second time, and referred to a Select Committee, who would report on the whole matter, and on whose Report there could be no difficulty in acting.

Lord *Cottenham* trusted there would be no objection to the proposition of his noble and learned Friend (Lord Brougham), believing, as he did, that it was a subject which ought to be referred to a Select Committee. The evils of the present system were acknowledged, and the mode in which the most efficient remedy for those evils could be obtained was a matter which required the most serious investigation; and, therefore, before they agreed to such a measure as this, he thought they ought to refer it to a Select Committee, who could make such inquiries as would enable them to suggest an adequate remedy for the evils which were at present justly complained of.

The *Lord Chancellor* said, as it appeared to be the opinion of the House that the Bill ought to be referred to a Select Committee, he had not the slightest objection to the adoption of that course.

Lord *Cottenham* understood that, in voting for the second reading of the Bill, in order that it might be referred to a Select Committee, no Member of that House thereby expressed his opinion as to the provisions of the Bill. As the Bill at present stood, it omitted to provide for one of the greatest evils which were complained of. There were a large number of charities to which trustees had not been appointed since the passing of the Municipal Corporation Act; and in fact it was principally only the large charities to which the trustees had been appointed—charities which had funds sufficient to bear the expenses attending that appointment. The number of small charities which had no trustees were not provided for by the Bill as it at present stood. With respect to the statement of his noble and learned Friend on the Woolsack, that charities in which small sums were involved suffered greatly by the very great expense in the Court of Chancery, as compared with the annual amount of the charity, that was to be regretted; but it did not apply in an especial manner to charities of small amount, as it would apply equally to any other small property in the Court of Chancery. He believed that very great advantage would be obtained by referring the Bill to a Select Committee.

Lord *Ashburton* had presented several petitions on this Bill, and he was desirous to be informed if they would be referred to the Select Committee?

The *Lord Chancellor* said, that the petitions would be referred to the Select Committee as a matter of course. Since the Bill had been framed, several alterations had occurred to him. He intended the one per cent. to apply to all the small charities.

Lord *Campbell* said, that there was only one part of the Bill to which he would address himself on that occasion; but it was a part which was very important as regarded the principle. He alluded to the powers which it was proposed to give to the Commissioners with respect to the appointment and removal of trustees under the municipal charities. It was a subject of real importance to the individuals who participated in those charities; but it was looked upon as a matter of great importance by others also. His noble and learned Friend was aware that in all the boroughs in England where these charities existed, there was a constant struggle between contending factions as to who was to have the administration of them; and the appointment and removal of the trustees to such charities was given to the Chancellor, who, although a Minister of the Crown, holding his office during pleasure, was the head of the law in England, a man of high station and great eminence, and one in whom the most perfect confidence could be reposed. Then the Masters in Chancery, who might appoint trustees, were men who held their appointment during life, and who were taken from the highest ranks at the Bar; and he (Lord Campbell) had never heard of any charge or suspicion against any appointment of trustees made by a Master in Chancery or the Lord Chancellor. Experience had shown them that there were great evils to be remedied with respect to the expense of appointing trustees under the present system; but it would not be difficult to remedy that by doing away with the exorbitant fees which were now demanded. Under the new Bill there were to be three Commissioners, who were to appoint those trustees instead of the Lord Chancellor or the Masters in Chan-

cery; and there was no qualification proposed for those Commissioners. His noble and learned Friend had, during a former Session, proposed a Bill, in which it was required that a Commissioner should be a barrister of considerable standing; but there was no such qualification proposed in this Bill. Then the Commissioners were, by the provisions of the Bill before them, to be appointed by the Secretary of State; but it did not say which of the Secretaries was to make the appointment, whether the Secretary for the Colonies, the Secretary for Foreign Affairs, or the Secretary for the Home Department; any of them was competent to make the appointment, "any one of Her Majesty's Secretaries of State," and that was perfectly right, for they were co-ordinate. There was, however, no qualification for a Commissioner specified; and according to the Bill before them, any one of the Secretaries of State could appoint any individual whatsoever to the office. That was monstrous. These Commissioners might go down to boroughs, and completely revolutionize them, in regard to these trusts, by sweeping away all the trustees, on the Tory side or the Whig side, as it might happen to suit the political views of the Commissioners. [The *Lord Chancellor:* There is no such power given them under the Bill.] His noble and learned Friend had not read his own Bill, or he must have forgotten it; for that Bill would give an absolute and uncontrolled power to the Commissioners to remove all the trustees of municipal charities. [The *Lord Chancellor:* The Bill gives no power of removal; it only gives a power to supply vacancies.] The Bill would give the Commissioners an absolute power of adding to the number of the trustees; and they might by that means swamp the Tory trustees by an indefinite addition of Whigs, or swamp the Whig trustees by an indefinite addition of Tories. His noble and learned Friend had said, that those functionaries were to be sworn; and he seemed to think that they could never be suspected of doing a political job after they had been sworn. Now he (Lord Campbell) would take it for granted, that they would be very honourable men; but would they, he would ask, be above suspicion; and could they have the same authority in public estimation which now belonged to the Lord High Chancellor of England, or to the Masters in Chancery, who were his officers, and who acted under his superintendence? That part of the Bill he should most strenuously oppose. If he should have the honour to be a Member of the Select Committee, he would move that the clauses in question should be omitted. If he were overruled on that Motion, he would move the omission of the clauses when the Bill was in Committee before the House; and if he were again overruled, he would oppose the Bill on the Third Reading; for although he felt that many of its clauses might be and were salutary, it should meet with his most strenuous opposition if it involved the principle that the trustees of the municipal charities all over England might be removed, or that their number might be indefinitely increased, by Commissioners, such as it was proposed by that measure to appoint.

The *Lord Chancellor* said, he wished to inform his noble and learned Friend that he proposed an alteration in the Bill, which would give the appointment of the Commissioners to the Lord Chancellor, and not to the Secretary of State. He also proposed that two at least of the Commissioners should be members of the legal profession, and gentlemen of high standing at the Bar.

After a few words from Lord Abinger,

Bill read 2ª.

House adjourned.

HOUSE OF LORDS,

Friday, May 23, 1845.

MINUTES.] BILLS. *Public.*—1ª. Maynooth College (Ireland); Indemnity; Oaths Dispensation; Small Debts.

Reported.—Church Building Acts Amendment.

Private.—1ª. Earl of Onslow's Estate; Blackburn, Burnley, Acrington and Colne Extension Railway.

2ª. Hawkins' Estate.

Reported. — Newcastle-upon-Tyne Port; Royal Naval School; Nottingham Inclosure.

3ª. and passed: — Boddam Harbour; Clifton Bridge; Stoke-upon-Trent Market; Huddersfield Waterworks.

PETITIONS PRESENTED. From Lancaster, and several other places, against Union of St. Asaph and Bangor, but in favour of the Appointment of a Bishop to the See of Manchester.—From Stow, against the Union of St. Asaph and Bangor.—From Llandyssil, and 4 other places, in Wales, for the Establishment of Local Courts.—By Bishop of London, Earls of Fitzhardinge, and Roden, Marquess of Breadalbane, and Lord Kenyon, from Southby, and a great number of other places, against Increase of Grant to Maynooth College.—By Earl Fitzhardinge, and Lord Campbell, from Bridport and Bristol, against the Insolvent Debtors Act Amendment Act.—From Bath, and 5 other places, for Repeal of 57th Clause of Insolvent Debtors Act Amendment Act, except as to Debts not exceeding 5*l.*—From Herne Bay, Botley, and from Samuel Gordon, Esq., of Aungier Street, Dublin, in favour of Increase of Grant to Maynooth College.—From Roman Catholics of Antrim, and 2 other places, against the Charitable Donations and Bequests (Ireland) Act.—From Yeaveley and numerous other places, for the Better Observance of the Sabbath.—

From Ashbourne, for the better Regulation of Beer Houses, particularly on the Sabbath. — From Congregation in connexion with the Free Church of Scotland at Oban, against the running of Railway Trains on the Sabbath.—From Guardians of Waterford Union, for Alteration of Poor Law Act (Ireland), respecting the Repayment of Money advanced for Building of Workhouses. — From Bruff, and several other places, for Encouragement to Schools in connexion with Church Education Society (Ireland).—From Lauder, for Improving the Condition of Schoolmasters (Scotland).

MAYNOOTH.] The Marquess of *Breadalbane* presented a petition from the members of the London Conference against the Maynooth grant. The Conference was composed of deputies from various places in England, Ireland, and Scotland, consisting of 1,325 persons, and representing 411 places. The petitioners opposed the grant on religious grounds. They considered it as opposed to the interests of Protestantism, and contrary to every principle of civil and religious liberty; and in this view he concurred. There never was a measure propounded by any Government which went more directly to sap the foundations of the Established Church in this country, and to promote the voluntary principle to its fullest extent.

The Earl of *Charleville* said, that as notice had been given of the second reading of the Maynooth Bill on the 2nd of June, he would take that opportunity of entreating Government to extend the period for the second reading for a short time longer. He had searched the precedents of their Lordships' House, and, with a few exceptions, he was unable to find so short a period allowed to intervene between the first and second reading of any Bill of so great importance as was this. He was aware that as to the Roman Catholic Relief Bill, he might be told that a still shorter space of time had intervened between the first and second readings. The reason given for that was, that the subject contemplated by that Bill had been so long and so fully debated, that the period allowed was quite sufficient for any necessary purpose. By the rules of the House they were prevented from receiving petitions against the present Bill until that day. The petitions already presented were petitions against any grant to the College of Maynooth, but against this particular Bill no petitions could be received until that day; and when they compared the different feeling which prevailed throughout the country at the present time, with that which was offered in opposition to the measure of Relief in 1829, he thought that, considering the numerous petitions which they had every reason to expect would be laid upon their Table with respect to this measure, four sitting days of the House afforded altogether too short a time to enable the people of this country—the Protestant people of the Empire—to express their feelings in the only legitimate and constitutional manner within their power, namely, by presenting their petitions to the House. In 1829, there were 264 petitions presented by the Protestants of this country, entreating their Lordships to pass the Relief Bill, and 654 petitions were presented by Roman Catholics in favour of the Act of Emancipation; numbering altogether 918. Against the measure then offered to their consideration were presented 2,950, showing about an average of three to one against it. Up to the 9th of May, the number of petitions presented against the Maynooth grant amounted to 8,753, signed by 1,106,772 persons; whilst, up to the same period, the petitions presented in favour of that measure amounted to but 61, being in the proportion of somewhat like 143 to 1 against, instead of, as in the former case, in the proportion of 3 to 1. The Bill now in their Lordships' House was likely to be attended with momentous consequences. It was a money Bill; and if they did not enact what it intended, it was not in their Lordships' power to alter one word in the Bill. They had, it was true, the right of objecting to the principle of the Bill, and they would have the opportunity of making that objection on the second reading; and he trusted their Lordships would consider that he had sufficient grounds for entreating the Government to take into consideration the strong feeling expressed by the Protestants of the Empire out of doors, and not to set at defiance their religious scruples, or, if they chose so to call them, their prejudices; and to give them, the Protestant people of this country, time to express their opinions, to make their wishes known, and to present their petitions; and thus take away from them a justifiable ground of complaint, that, although their Lordships had every reason to expect the presentation of so large a number of petitions, they should still refuse to afford the petitioners time to let their wants be heard. He would, therefore, entreat the Government to give them one week more; and instead of the 2nd, to fix the 9th or the

10th of June for the second reading of the Bill.

The Duke of *Wellington* said: The noble Lord has called upon me to postpone the notice which I gave about half an hour ago, for the second reading of the Maynooth Bill on the 2nd of June next. The noble Lord seems to have forgotten the period at which this Bill was introduced into the other House of Parliament. The Bill was introduced into that House on the 3rd of April, and we have now fixed the second reading in this House for a day which stands within only one day of being two months from the time of the first introduction of the Bill. Besides, from the present day until that appointed for the second reading, ten days will elapse; and I think that quite sufficient time to intervene under the circumstances. The noble Lord stated that there are only four sitting days left for receiving petitions against the Bill; but can there be any objection against petitions being presented during every part of the discussion? The discussion will not, I presume, be closed on the second reading. There are other stages through which the Bill must pass—the committee and the third reading—which may require a great many days, and give ample time for receiving every petition which it can be desired to present to this House against the Bill. At this period of the year—at this late period of the Session—and considering the length of time for which the measure has now been under the consideration of Parliament and the public, I do not think that I should be doing my duty to the House or to the country if I did not persevere in my intention of submitting to your Lordships the second reading of the Bill on the 2nd of June.

The Earl of *Winchilsea* regretted that the noble Duke did not comply with the request of his noble Friend. He hoped that the noble Duke would yet have the kindness to acquiesce in the desired postponement.

Railways.] Lord *Brougham* desired to present a petition immediately connected with the important subject of the Motion of which the noble Earl behind him (Earl Fitzwilliam) had given notice for that night. It was a petition from William Henry Fox Talbot, of Lacock Abbey, in the county of Wilts. The petitioner represented that he and his family before him had been in possession for upwards of three centuries of the mansion, pleasure ground, and estate of Lacock Abbey, in the county of Wilts. He stated that a railway was proposed to be made, called "The Wiltshire, Somerset and Weymouth Railway," which would go for three miles through the romantic valley in which the estate was situated; and that thereby the whole beauty and comfort of the property would be destroyed. Upwards of ninety other proprietors would all be injured in the same manner, though not, perhaps, to a similar extent. Of these ninety, only nine had given their assent to the proposed line of railway. From this might well be inferred the utter mockery of any Standing Order requiring the assent of proprietors to projected railway schemes. The assents were imputed for righteousness to those who gave them; while the dissents were treated with contempt, and in many instances disregarded. Indeed, parties interested in property were led to understand, that those who dissented would be worse treated than those who had the grace to say nothing. He knew not how long proprietors were to be withheld from dissenting to some purpose against taking away their property for the sake of others—namely, railway proprietors; for it was, after all, a question between one set of proprietors and another. It was clear, in the case alluded to in the petition, that a much shorter, a more convenient, and a more eligible line might have been taken. The line projected was twenty-two miles long, when ten miles would have sufficed; but the company had adopted the twenty-two mile line, as suiting them better.

Earl *Fitzwilliam* said, that after listening to the particular case brought before them by his noble and learned Friend, with the force which characterized everything which he did, their Lordships would, he was afraid, listen to him with very little feeling, so far as the measure was concerned, in which he would be able to bring forward the subject of which he had given notice. He presented himself to them, not as the advocate, however, of one individual—he presented himself to solicit their Lordships to listen to what he conceived to be the case of the whole landed interests of this Empire. If any of their Lordships imagined that, in seeing him rise on that occasion, they saw before them a person who was desirous of ob-

structing the progress of railways, they greatly erred. He desired, on the contrary, to see these railways extended and systematized, so that the whole of this island might be, if he might so say, intersected; and if any one chose to consider that word a bad omen, he would say, provided with a complete system of railway communication. He desired to see every market town in the kingdom with its railway approaching it. If there were any individuals in that House who were not desirous of such an extension of our railway system, he would beg not to be included in their number. It was his wish to do everything in his power to facilitate the progress of railways, and to take away those just objections to their extension which he had no doubt many of their Lordships entertained when they heard of cases like that just cited by his noble and learned Friend, and many others of as aggravating a character. It was impossible entirely to justify the conduct of persons engaged in railway projects, notwithstanding the desire which he entertained to see railroads extended and systematized. He thought that it might afford their Lordships some little information as to the manner in which railway schemes were got up, if he were to read over one or two passages from a newspaper which, perhaps, all their Lordships did not receive; and he thought that the English nation was a very gullible nation, if it was to be seduced by such schemes as those to which he would draw their Lordships' attention. The noble Lord then read from the *Railway Times* of last week a certain passage from the prospectus of the proposed Great Eastern and Western Railway, from which it appeared that its proprietors were very sanguine of its success; indulging, however, as he conceived, in the most illusive hopes. The railway was to begin at Great Yarmouth, and to end at Swansea; and the advantages held out in the prospectus were not such as could possibly be ever realized by a line of railway passing from the one point named to the other. He would now show their Lordships what were the consequences of this. He held in his hand the Report of a Committee, which probably might be looked upon as one of the ablest of the Committees of the other House of Parliament, sitting during the course of the present Session. His noble Friend the late Secretary of State for Foreign Affairs, sat as Chairman of that Committee; and it was not likely that any Committee could be more ably conducted than one over which that noble Lord presided. The Report was on the Ely and Huntingdon Railway. The Report stated, that there was not one person connected with that part of the country who was a subscriber to the railway. That was, in his estimation, a very great compliment to the good sense of his friends and neighbours, who resided in that part of the country. Where did those reside who were subscribers? They resided at various places in London, in Threadneedle-street, &c., in Liverpool, Warrington, Manchester, Wakefield, and in various other places in the north of England. These were the gentlemen who were seduced by the Huntingdon and Ely scheme; those who lived at a distance, and were unacquainted with the wants and circumstances of the district through which the projected line was proposed to run, in the same way as others were seduced and made to subscribe by the concoctors of the scheme for the construction of a railway from Great Yarmouth to Swansea. Between Ely and St. Ives a railway might answer; but nobody resident in and acquainted with that district, could entertain the opinion that a railway from Ely all the way to Huntingdon, would answer expectations. The case was made out by stating that a great transport of cattle would take place between Huntingdon and St. Ives. He would venture to say that out of the 180,000 sheep which were said to pass from Huntingdon to St. Ives in the year, not one in ten of those beasts would get upon the railway. It would not be worth while to put them upon the railway, to convey them a distance which, although it was stated by the railway company to be six miles in length, he believed was not more than four; but he was confident did not exceed five. He thought it behoved their Lordships to remove as much as possible the reasonable objections that might be entertained against the present system. One of those reasonable objections was, he would not say the inadequate price, but the inequality of the price, given for land to be purchased for railways. Their Lordships, he was sure, must desire to remove from themselves the imputation of conniving at a system which enabled them and Members of the other House of Parliament, to obtain a greater price for their

lands than the smaller and unconnected proprietors of land adjoining. He knew that there were a great variety of cases in which it was impossible to lay down rules *à priori* to govern the bodies who were to adjudicate between railway companies and the proprietors of lands which they proposed to take; but also, though there were some cases so circumstanced that they could not be regulated *à priori*, that was no reason why their Lordships should not regulate the price in cases which might be determined *à priori*. There were various principles upon which the price at which land was to be purchased might be determined. One mode in which that might be accomplished was, by having reference to the previous value of the land, and laying it down as the rule, that the price to be paid should be so many multiples of that value. At that result they might arrive by valuation. Another mode of fixing the price was, to estimate what would be the value of the land, not to the proprietor who was to be deprived of it, but to the company who were to obtain it. He was stating this as an element of the price that ought to be set on the land. Their Lordships were aware that, by the regulations of Parliament, railway companies were bound to lay before Parliament estimates of their probable revenue. On these estimates, their Lordships could compute the profit to be derived from each portion of the land. If for a given railway 500 or 1,000 acres of land were taken, and if a given revenue was to be derived from it, their Lordships might form an estimate what amount the company ought fairly to be called upon to pay to the proprietors of each portion of the land. The best way to illustrate this was to suppose that the railway company, instead of being purchasers of the land, were to become the renters at a long term—900 years, or some other lease, which might be considered interminable. In that case, the rent to be paid to the proprietor of the land might be determined pretty much upon the principle upon which the rent paid by renters of collieries and mines to the owners was regulated. This was a matter which could merely be thus stated generally, and upon which it was impossible to go into detail; but there were two processes which appeared to him to afford a practical mode of arriving at the price which ought to be paid. Their Lordships would observe that he had not here dealt with the question of severance. He thought it would be extremely difficult to lay down *à priori* any principle for the guidance of arbitrators; but what appeared to him to be wanting was, some principle for the guidance of those tribunals. There might be a railway extending to 200 miles in length, like that from Swansea to Great Yarmouth. There might be a railway which would pass through twenty different counties; and the jurors in every two adjoining parishes on the route, or even in the same parishes, might differ as to the principle upon which compensation should be awarded. The same remarks applied to the arbitrators; and he thought their Lordships ought to endeavour at least, even if they could do no more than endeavour, to lay down some principle of compensation for the guidance of the arbitrators, in order that a man moving in the highest circles should not get more than the individual who did not move in the same sphere. He had come to the conclusion—although it might appear a startling principle to announce—that it was desirable to prevent bargains for land being made beforehand; but he knew that such bargains would lead to an undue preference of those who would make a pertinacious opposition to the Bill when it came before Parliament, over persons who would not do so. He thought the way to prevent such improper arrangements would be to take care, after the Bill should have come before the House, that the railway company should be compelled to make adequate compensation to the persons whose lands they had taken. If there was to be a previous valuation, it ought to be made by somebody who was above suspicion; and it appeared to him that it would be extremely desirable if a Board could be constituted, in connexion with the Government, to whom the valuation of lands for these purposes should be entrusted. He had nothing to add to the observations he had made; and he should now only move the appointment of a Select Committee to take into consideration the most equitable mode of making compensation to the owners of real property whose lands, &c., may be compulsorily taken for the construction of public railways. The noble Earl also made it part of his Motion, that the Committee should take into consideration the question of severance.

A *Noble Lord*, who stated himself to be intimately connected with Huntingdon, protested against the remark applied by the noble Earl to Huntingdon, as an insignificant town, and unworthy of the advantage of a railway. He thought Huntingdon very ill treated, and was convinced that the evidence would prove that it was fully entitled to the benefit of railway communication.

Earl *Fitzwilliam* said, he should be exceedingly glad of any advantage coming to Huntingdon. All he meant to say was, that he thought the railway in question was not likely to be of much advantage to the projectors.

Lord *Stanley* said, he did not see how the House could well interfere for the protection of speculators in Liverpool or Manchester, who embarked in speculations which might be profitable in time, although they might not be advantageous to those who originally projected them. His noble Friend opposite would find on examination that whatever might be the desire of the House, it would be extremely difficult, if not impossible, to apply one and the same scheme of arrangements to cases which were altogether diverse and different in their circumstances. If his noble Friend thought that by any ingenuity of his he could, with the aid of a Committee, bring forward any scheme by which he could meet the existing difficulties, he (Lord Stanley) should be sorry to interpose any obstacle to his wishes; but in consenting to the proposition on the part of the Government, he was bound to say that he had no sanguine hopes of its leading to any successful result. His noble Friend had sketched two modes of regulating these matters for the high and the low, the speculative and the timid, the tenacious and the yielding. His noble Friend's desire was to put all these upon the same footing, and to give them an equal benefit in the way of compensation. One of the two modes suggested by his noble Friend for accomplishing this object, varied little from the existing law, and involved the same uncertainty—a necessary uncertainty as it appeared to him—of compensation. To the other mode he had the greatest possible objection, and it seemed to him to be founded on no principle whatever. His noble Friend proposed to continue to railway companies the compulsory power to take land, but would have the land afterwards valued. What his noble Friend proposed was to take a certain multiple of an uncertain quantity. You might give a term of twenty-five or thirty years; but that must be always uncertain, if you left it undetermined what the amount was that you were to multiply in that proportion. His noble Friend omitted the question of severance. Now he (Lord Stanley) must observe that the value of land for farming purposes was an inconsiderable item of the loss sustained by the proprietor; and it was the severance of the property, the destruction, perhaps, of old family mansions, which created the difficulty of railway companies and proprietors of land coming to terms. It would be impossible for the Committee to lay down a fixed term of any number of years' purchase to be awarded in each case for the amount of injury done. Then his noble Friend said the previous estimates of traffic and profit which the Company expected should be taken, and a per centage granted to the proprietor. Could anything be so unreasonable—his noble Friend would excuse him—as to apply to the value of the land taken, that estimated profit? It was not from the land over which the railway passed that the Company derived its profits, but from the points at each end; and he should be glad to know why the proprietors of a line like the Manchester and Liverpool, which passed for the most part over a soil of bog and morass, should pay the owners along the line the same per centage as should be paid by a poorly remunerated line for much richer and more valuable land. This was a principle which he thought his noble Friend would find it impossible to reduce to practice. These were the two propositions which his noble Friend made; the one he thought he had shown to be unreasonable, and the other only evaded the real difficulties of the case. However, if his noble Friend thought he could accomplish any good object by the Committee, he repeated that he (Lord Stanley) should be sorry to offer any obstruction to it.

Lord *Brougham* said he agreed in much that had been said by his noble Friend who had just spoken; but he should be glad of the appointment of the Committee, although it was not in the direction pointed out by his noble Friend who moved it that he expected any benefit to arise from it. He did not think the value

of the land was any criterion at all of the amount of compensation which the owner should receive. In his opinion it was vain to hope to lay down any general rule by the Government of bargaining between individuals and railway companies. Each case must depend upon its peculiar circumstances; and if he might venture to advance a doctrine so unfashionable in the present day, the inclination or the disinclination of the owner to part with his property upon any terms, ought to enter into the consideration. He should move that the Standing Orders which he had brought before the House be referred to this Committee for examination, to which he should add another Standing Order, to the effect that a certain number of assents, not upon a whole railway, but for every village along the line, should be indispensable before a Bill could be brought into the House. He was very much in favour of railways, and almost went the length with his noble Friend, of wishing that every market town in the kingdom had such communications; but then he thought they ought, if possible, to be constructed with the consent of the proprietors of the land over which they were to be carried; and if it were said that it was better that the public should have railway roads than that the proprietors should be gratified in their whims—attachment to the residence which had been occupied by one's ancestors for centuries being, however, in his judgment, a commendable and praiseworthy feeling instead of a whim; but if it were found that locomotion was the only right which was worthy of being protected, that the sedentary person was to be disregarded, and the moving person the only one to be regarded, then he said, at least, that these overgrown estates ought to be a little equalized, and that the possessor of 70,000*l.* a year should not derive more advantage in proportion than he who starved upon 70*l.* or 80*l.* No man could be wild or insane enough to propose that the property of either of these parties should be openly taken from them; but yet Parliament, under the name of Railway Bills, did confiscate the property of Mr. Fox Talbot and Lady Georgiana Fane, and drove them from their residences. These were such infractions of the sacred rights of private property that he hoped he should find their Lordships, as the hereditary guardians of proprietary rights, put a stop to them. In the meantime, as he thought the Committee would be productive of advantage, he trusted their Lordships would sanction the proposition of his noble Friend.

The Earl of *Wicklow* expressed his regret that his noble Friend (Lord Stanley) had consented to the appointment of a Committee from which he himself avowed he expected no benefit. He was glad to have heard his noble and learned Friend say, that he intended to refer his Standing Orders to the Committee; but he hoped his noble and learned Friend would declare that he did not intend them to apply to any existing railways.

Lord *Brougham* said, that it was clearly his intention that they should not apply to any existing railways. Nothing could be more unjust than that would be to all parties. He had omitted one point which demanded immediate consideration — namely, the necessity of giving notice that no Bills could be proceeded with this Session which did not come up before a certain day; for the House was reduced to this dilemma, that they should not have the first of the pending Bills before ten days, and the time for getting through one Bill could not be less than a fortnight. They ought to adopt some means of saving parties interested in those matters from very considerable expense in some particulars, which they incurred under the present system, and which ought to be avoided if possible.

Lord *Hatherton* said, they were all aware of the great loss which small proprietors often suffered from the interference of railways with their property. But the loss was not confined to proprietors alone; for small farmers and cottagers suffered in a still greater degree in many instances, and were bandied about from agent to agent when they sought for redress for injuries done to their crops. There ought to be some body locally constituted by whom these claims for compensation might be decided. If in every railway district of twenty or thirty miles, two or three land agents, or some persons properly qualified, were formed into a body for that purpose, it would be of the greatest possible advantage to those persons whose property was affected by railway lines.

The Marquess of *Londonderry* felt great satisfaction at perceiving that the Government had not opposed the Motion of the noble Earl for a Committee; a Motion

which was calculated, by its probable results, to afford very great relief to many persons, particularly those interested, like himself, in mining property. He believed the Act which had already passed on the subject of railway clauses was imperfect in many respects, and those imperfections might be remedied. Persons holding property in mines were peculiarly injured by the interference of railway lines with the working of the mines. The property in mines was in many cases held under leases for Ecclesiastical bodies, which leases were for a comparatively short period; and if the holder of such property was prevented from working a mine by a railway company, it was only fair that the company should compensate him for his loss. Property of that description was, by the present state of the law, put under the surveillance of railway companies altogether, and that was a system which ought to be altered.

After a few words from Earl *Fitzwilliam*,

Motion agreed to and Committee nominated.

House adjourned.

HOUSE OF COMMONS,

Friday, May 23, 1845.

MINUTES.] BILLS. *Public.*—1°. Privy Council.
Private.—1°. Grimsby Docks,
2°. Irish Great Western Railway (Dublin to Galway).
Reported.—Leeds and West Riding Junction Railways; Great North of England and Richmond Railway; Kidwelly Inclosure; Bristol and Exeter Railway Branches; Southampton and Dorchester Railway; Kendal and Windermere Railway; Ulster Extension Railway; Taunton Gas; Lady's Island and Tacumshin Embankment.
3°. and passed:—Nottingham Waterworks; Glasgow Bridges; Standard Life Assurance Company.

PETITIONS PRESENTED. By Mr. Byng, and Mr. Pringle, from several places, against the Grant to Maynooth College.—By Mr. P. Howard, from Carlisle, in favour of Grant to Maynooth College.—By Mr. Milnes, from Purchasers of Land from the New Zealand Company, complaining of Grievances (New Zealand).—By Lord John Russell, from David Wemyss Jobson, complaining of Administration of Justice (Forfar).—By Mr. T. Duncombe, from Attorneys and Solicitors practising in the County of Oxford, for Removal of Courts of Law and Equity to Inns of Court.—By Sir William Codrington, from Justices of the Peace for the County of Gloucester, against Justices' Clerks and Clerks of the Peace Bill.—By Sir H. Douglas, and Captain Berkeley, from Merchants and others of Liverpool, and from Mariners of the Port of London, against Merchant Seamen's Fund Bill.—By Sir Stephen Glynne, from Calvinistic Methodists residing in Holywell, for Diminishing the Number of Public Houses.—By Mr. Pringle, from Members of the Presbytery of Selkirk, for Alteration of Law relatiug to the Sale of Intoxicating Liquors (Scotland).—By Mr. Divett, Mr. F. W. Knight, and Gen. Lygon, from Worcester, and several other places, in favour of the Salmon Fisheries Bill.—By Mr. Sheppard, from Frome Selwood and its neighbourhood, for the Establishment of Sanatory Regulations.—By Mr. Pakington, from Droitwich, in favour of the Smoke Prohibition Bill.

RAILWAY LEGISLATION.] Mr. *Stuart Wortley* rose to move the following Resolution, in conformity with that recommended by the first Report of the Committee on Railways of last Session; viz., that the following clause be inserted in all Railway Bills passing through this House:—

"And be it further Enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Acts authorised to be made from the provisions of any general Act relating to such Bills, or of any general Act relating to Railways, which may hereafter pass during the present or any future Session of Parliament."

Railway legislation being in its infancy, it was but reasonable to suppose that from year to year various points might arise on which it would be found desirable that Parliament should legislate. If, therefore, they should neglect to do so now, they would in all probability find themselves prevented from legislating hereafter, and be in the same situation as they were with respect to the original railway companies. He was sure the House would agree with him that Parliament were justified in claiming a right to deal with the subject generally hereafter; and as the Resolution he now proposed had been applied to every Bill passed last year, he thought they could not avoid applying it to the Bills of the present Session without giving the promoters undue advantages, and occasioning great public inconvenience.

Viscount *Howick* entirely concurred in the proposed Motion, which he thought one of great public importance. He thought they ought not to pass any Railway Bill without reserving for themselves power to revise the rates of charge. It was notorious that hitherto the House had acted in too great a hurry on this subject. In consequence, however, of a Motion by the hon. Member for Inverness last Session, the Government proposed, as a Standing Order, that a clause should be introduced in all Railway Bills regulating the amount of charge; but the Committees having nothing to guide them in the execution of this duty, or any proper means of judging what the rates of charge should be, had acted in a manner that was vague and inconsistent. Some, as he had men-

tioned on a previous occasion, had authorized the charge for coal, one of the necessaries of life, at the extravagant rate of 4*d.* a ton, while others had fixed it at 1*d.* only. This had been the case also with respect to Irish railways, on some of which lime and coal, articles in Ireland of chief importance, were charged at the extravagant rate of 3*d.* per ton. He did not wish to cast any blame upon the Committees; but he thought the Government should have been prepared to give them advice and assistance on the subject. It was quite competent to them to do so. He would himself have proposed a resolution on the subject of the rate of charge, were it not that their railway legislation had been so much delayed that it would be extremely difficult for many of the Bills to pass the other House this Session. He thought it, however, of the utmost importance, Parliament should cause it to be understood that it would not consider itself bound to adhere to the present rate of charge; and with this view, he would propose the addition of the following words to the hon. Member's Motion:—"Or from any future revision and alterations under the authority of Parliament of the maximum rate of fares and charges authorized by this Act." He thought this would remedy the evil, and remove any objection that could be pointed out to the present Resolution.

Mr. *Gisborne* said, the words added by the noble Lord made the Resolution of considerably more importance. It was only a few weeks ago that the House determined to impose upon Railway Committees the duty of determining what these rates of charge should be. At that time he advised the House not to place too much confidence in the value of that Resolution; and now, after a few weeks' trial, the noble Lord said it worked so badly that it must be altered. He should like to know, however, in what manner that House was to review the rates of charge. The Committees had the means of ascertaining what they should be, since they could impose upon the promoters of the Bills the necessity of giving evidence before them on the subject; and they had already done so in conformity with the power delegated to them by the House. Were they then going to overturn the decisions of the Committees, and to alter the rates without hearing the parties again on the subject. It was desirable to assimilate the rates of charge as much as they could; but to make a uniform rate of charge would be impossible. He did not say the Committees were the best mode to decide upon this point; but they were better than that proposed by the noble Lord, or any other that the House was likely to adopt. He thought, therefore, and especially as they had had no notice, the House should negative the noble Lord's proposition, though he did not so much object to the Resolution of the hon. Member for the West Riding.

Mr. *Warburton* said, he thought, before they assented to either proposition, they should first see how far the Committees had carried out the principle the House had affirmed. The principle adopted in France was, not to grant privileges to railway companies in perpetuity, but to restrict them to a term generally of thirty-three years. The tendency of all the Reports of our Board of Trade had been to throw all the railway traffic in the various districts into the hands of a small number of companies; and the question had now arisen, were they to maintain this monopoly, or to throw it open to public competition? He thought they were bound to protect the public against extravagant charges; but at the same time he should wish, before he acceded to this Motion, to know how this object had been secured by the powers they had recently delegated to the Committees.

Sir *G. Grey* thought, that if the Motion of his noble Friend was only intended to be operative during the present Session of Parliament, it ought not to be made a Standing Order of the House. There was a great want of uniformity in the rates of charges upon these railways. He would support the proposition of his noble Friend, as he thought that several railway companies had departed from the rule laid down in respect to charges.

Sir *G. Clerk* thought the proper rate of fares could only be satisfactorily considered by the Committees upon these Railway Bills. The Resolution of the noble Lord would be calculated to do great injustice to railway companies, for it might have the effect of fixing a maximum rate of fares, which would entail much mischief. The Resolution of the noble Lord would also prove inconsistent with the Act of last Session, for that Act gave a power to the House to interfere after a lapse of twenty-one years.

Mr. *Labouchere* observed, that the House had this Session directed Committees upon Railway Bills to settle the amount of rates on railways. It was, however, quite manifest, that if they acceded to the recommendation of the various Committees without further inquiry and more investigation, the step that they had taken would be rendered absolutely nugatory. The course which had been taken by these Committees had been so extremely various that the House ought to interfere in the matter. He thought, then, that the proper course to take was that which was proposed by his noble Friend the Member for Sunderland. He admitted that it was very difficult for the House to fix the maximum rate of charges; but the Resolution before the House only gave them the power of doing this thing—it did not oblige them to do it. The House would, no doubt, exercise that power discreetly, considerately, and with reference to the circumstances connected with each case. Of all the fears that could be entertained, it was in his opinion the most idle fear to suppose that the House would deal hardly against these railway companies, in consequence of its zeal to protect the public against them. His experience was decidedly against such an apprehension. The interest in respect to these railways was daily increasing, and was brought to bear by much canvassing among its Members. The real danger to be feared was, whether they might be induced to shrink from the performance of their duties to the country, which, as a House of Commons, they were bound to perform. He had no fear that they would run any risk of doing any injustice to these companies by discouraging these railway schemes. This was a question of the utmost importance for them to consider. They should keep this power in their hands, not for the purpose of exacting unfair conditions, but with the view of taking proper precaution that justice should be done to the community at large. He felt strongly upon this subject, and he thought that the House should accede to the very moderate and reasonable proposal that was now made. He had given notice to the Vice President of the Board of Trade of his intention to put a question to him on Monday next, with reference to the immense quantity of railway business that was before the House, and the delay which had taken place in respect to it, not exactly in consequence of the great weight of railway business that was before them, but in consequence of the Reports of the Board of Trade. He hoped that the right hon. Gentleman would be then able to say what course he was prepared to recommend to the House. He thought it was of the utmost importance that the intentions of Government on this subject should be announced as soon as possible. He would vote for the proposition of the hon. Member for the West Riding of Yorkshire, and also the addition to it which had been proposed by the noble Lord the Member for Sunderland. He would recommend that the proposition should be made a Sessional and not a Standing Order.

Lord *G. Somerset* would not enter into a discussion upon the Amendment of the noble Lord the Member for Sunderland, because he thought it ought not to be brought before the House without due consideration. Due notice, however, had been given by the hon. Member for the West Riding of Yorkshire of his proposition; and yet the noble Lord the Member for Sunderland introduced another proposition involving still more extensive alterations in respect to railway regulations. He would not say whether the noble Lord's proposition should or should not be adopted; but he would now decidedly vote against it as an Amendment to the Motion of his hon. Friend the Member for the West Riding of Yorkshire, because it would evince a dissatisfaction with the proceedings of the Select Committees which had been already appointed. He should certainly say that these Committees had exercised a sound judgment as far as the maximum rate of charges was concerned. What struck him was, in the decisions of these Committees, the great similarity which appeared to exist in respect to these charges, and that the Committees might not, perhaps, have considered the peculiar circumstances of the different railways. Why should they suppose that the same rate of charges should be applicable to every railway? It was true that there ought to be a power of revision in respect to those charges under certain restrictions; but the Act of last Session had given them a strong power on this point. There were regulations already entered into which empowered them, after a certain period of years, to revise the rates that may have been

charged. They were not then wholly without a remedy on this subject. He did not think that the House should admit so extensive a proposition as that of the noble Lord. If the noble Lord would consent to withdraw his proposition, he would give it every consideration upon a future day; but he should vote against it if it were forced to a division.

Viscount *Ebrington* said, he thought he should consider the interests of the House, by moving the adjournment of this debate until Monday next. He wanted to know upon what principle these Committees were expected to fix the tolls? What rules had they for their guidance in the matter? He was himself a party in taxing the tolls of a railway, without having the slightest idea whether he was right or wrong. He thought that that was a situation in which the Members should not be placed, and upon this subject he must protest against the doctrine of the Vice President of the Board of Trade.

Mr. *Stuart Wortley* said, as no objection existed to his Motion, he did not see why it should not be at once agreed to. The proposition of the noble Lord the Member for Sunderland might be discussed as a substantive Motion on Monday.

Sir *J. Graham* was anxious that every consideration should be given to the proposition of the noble Lord, which was one of a most important character; and it was necessary that the House should know exactly the intention of the noble Lord. He therefore wished to ask, whether the provision were to be strictly prospective, or whether it were to have a retrospective effect? If it were to be prospective, he should entertain very little doubt on the matter; but, if it were intended to be retroactive, there might be considerable objection to it.

Viscount *Howick* thought, that wherever a railway company came to ask for fresh powers, the House ought to attach to those powers such restrictions as they thought proper. There might be some hardship in imposing on companies, when they came for trifling powers, provisions which were not thought of when they were created, and he should have no objection to confine his provisions to companies which might now be created for the first time; but he thought its application to them was of the most essential importance. He felt inclined to support the proposition of his noble Friend the Member for Plymouth, because he thought that a proposition of this kind ought not to be agreed to without mature consideration; but he could not agree to the suggestion of the hon. Member for the West Riding of Yorkshire. If that course should be adopted, it would be necessary to postpone the third reading of some of the Bills now before the House. One of those Bills, in the care of the hon. Member opposite (Mr. W. Patten), contained some most extravagant charges for the conveyance of goods in the Blackburn district. It authorized the company to charge 4*d.* per ton per mile for coals. Now this was a most extravagant charge. He believed the expense of haulage was about 1*s.* per train per mile, and supposing each train to average 150 tons, the charge would be 3*l.* 15*s.* for what only cost 1*s.* Upon some of the railways coals were carried at three farthings per ton per mile, which yielded a fair profit, and therefore such an extravagant rate ought not to be allowed. He also believed the charge for passengers was considerably higher than it ought to be, and that some steps ought to be taken to remedy the evil.

Debate adjourned until Monday.

CALL OF THE HOUSE.] Mr. *Hume* said that, respecting the Motion which he had given for a call of the House, he was sorry that there was no House yesterday. In his early days the custom was, when there was not a sufficient number of Members present, to send the Sergeant-at-Arms with the mace into the Committee rooms, and to summon the Members to attend. He happened to be in a Committee room yesterday at four o'clock with six or seven Members, and if the old rule had been followed a House might easily have been made. He thought the rule a good one, and hoped it would be carried out in future. With regard to his Motion for a call of the House, he had received from the Clerk of the House a statement of the number of Members serving upon Public and Private Committees and the number of Committees which had yet to be appointed, and he had been informed by the Clerk that every group had already been provided for, and that the Members required had been found. That being the case he wished his notice for the call of the House to be dropped.

The *Speaker* said, that the old rule

undoubtedly was to send the Sergeant for Members, but the rule existed only when Members were chosen for Committees by ballot. The result of enforcing that rule at present would be not merely the breaking up the Committee for the day, but altogether.

Slave Trade.] The Order of the Day for going into a Committee of Supply having been read,

Viscount *Palmerston* wished to ask the right hon. Baronet at the head of the Government a question having reference to the Slave Trade. That question was, whether there would be any objection to lay upon the Table of the House the representations made by the American Government as well as the English Government to those Powers who still carried on the Slave Trade, in execution of the engagements entered into by the Treaty of Washington? He wished to know whether there was any objection to furnish the House with the representations on this subject made by the British and American Governments, together or separately, in execution of the engagements of the Treaty he had referred to?

Sir *R. Peel* was understood to say that the Papers connected with the Slave Trade would be laid on the Table of the House at as early a period as possible. Some would be ready by Monday next.

Captain *Pechell* said, it would be very satisfactory to know the number of American vessels employed on the Coast of Africa in pursuance of the Treaty with that country relative to the Slave Trade. He wished to ask whether a return of the number of vessels of that country so engaged would be laid before the House, as he conceived it could be easily furnished by the officers on board our own vessels cruising in that latitude for the suppression of the Slave Trade?

Sir *R. Peel* said, he took it for granted the Board of Admiralty was in possession of the Reports of our own officers on this subject; and if so, they would be laid on the Table of the House.

Supply—Navy Estimates.] On the Question that the Speaker do leave the Chair,

Sir *C. Napier* said, he thought it necessary to call the attention of the House to the first Vote on the Estimates, on the Motion for going into a Committee. It was important the public should be made acquainted with the matter to which he was about referring here. The first Vote was a sum of 1,199,141*l.* for "naval stores." Now he had no wish to object to the amount of that Vote; but he hoped it would be expended in a proper manner, and not in the foolish and wasteful manner in which money voted for a similar purpose had been formerly expended. On looking over the Estimates of former years, he found that a sum of 1,350,562*l.* 14*s.* 1*d.* had been laid out for a similar purpose in the year 1841. In the year 1843 the amount of the same Vote had been 1,312,816*l.* 11*s.* 3*d.*; in 1844, 1,190,043*l.* 15*s.* 8*d.*; and to the present time, since the Ministers had been in office, the total amount expended reached the enormous sum of 5,403,409*l.* for stores alone for the construction of ships, without including one penny for the pay of the men in the dockyards. The public required that such a large sum of money should be properly expended; but he thought he could show the House that it had not been so expended hitherto. In the year 1841 there were built two ships of large dimensions, called the *Queen* and the *Albion*. The former had been sent to the Mediterranean, and the latter to some other station, without any trial having been made of their respective merits. The late Government had fallen into the error of laying down two ships on the same lines without ascertaining the qualities of the *Queen*. The *Royal Sovereign* and the *Victoria*, of 110 guns each, were laid upon the same model. They had also laid down the *Princess Royal*, of 70 guns, and another vessel of 90 guns, on the plans of Sir William Symonds, the Surveyor to the Navy, before those plans had been proved. Now, he did not think the Admiralty should take upon themselves to spend so large a sum of money without pausing and ascertaining the merits of the vessels already constructed on that plan. The *Queen* had been last year found so defective that she had been obliged to be paid off, and another vessel at a great expense put in commission, and prepared to take her station. The *Queen* had been obliged to have her sternpost lengthened, and her bows enlarged; and, after a great deal of expense, she was now about to sail again to be tried, and to ascertain whether the additions made to her would be successful or not. He hoped she would be found to an-

swer all purposes well; but if she did not, we had two more large ships in which great alterations likewise would have to be made. If they were to believe the reports which they heard, the case was the same with the *Albion* as it was with the *Queen*. But at the present moment he did not believe the Admiralty had the opportunity of judging whether the last-named ship was a bad one or not. He would not then go into the question of the *Majestic* or the *Madras*. But with respect to the *Vanguard*, he believed she had been tried at two stations, and the reports of her qualities had been unfavourable. He had shown them what the late Board of Admiralty had done, and then he thought it only his duty to show them what the present Board had done also. When the present Board of Admiralty came into office they found a number of ships on the stocks; but instead of waiting cautiously to see the result of the trials of those vessels already built, they pursued the same course of policy as their predecessors. They ordered to be completed the *Royal Albert*, of 120 guns; the *Prince of Wales*, of 110 guns, one-tenth finished; another of 110 guns, one-sixteenth finished: they also gave orders for the *Windsor Castle*, of 110 guns; another of 110 guns; and the *St. Jean d'Acre*, of 90 guns, all to be built by Sir W. Symonds. He thought the Board were lucky in obtaining reports of the *Queen* before these ships were further advanced, and that they had done wisely in now stopping their progress till they had ascertained more fully the qualities of the *Queen*. He was quite sure the Admiralty did not like hon. Members of that House to be interfering with what they conceived to be more immediately their own special duty; but for his part he thought the right hon. Baronet the First Lord of the Treasury, the House of Commons, and the country, ought to feel obliged to those hon. and gallant officers who had the candour and firmness to come forward and state their opinions of anything which they conceived defective in a service of so much importance. An experimental squadron was soon about to sail under the command of a highly distinguished and meritorious officer; and he hoped the Admiralty would take care that all the ships in that squadron would be fairly tested, and that the merits of the plans of the different constructors would be fairly reported upon. He suggested, in order that each vessel in that squadron should have a fair trial made, that particular attention should be paid to the stowage; to the quantity of provisions each vessel was to carry, both on her sailing out and her return; to her draft of water; and, in fact, that every circumstance should be taken into consideration which would enable the officers to form a correct decision on the respective merits of the different vessels. He might be asked why he repeated these things so often in the House; but his answer was, he felt the subject to be one of great public importance, and he would repeat them over and over again, until there was some change made, and the defects of the present system were removed. The next subject he came to was steam. When the present Board came into office in 1841, they wisely turned their attention to the steam vessels of this country, and it was naturally expected they would do some things better than their predecessors. The late Board tried their hand at steam corvettes, and built vessels having one gun at the head, one at the stern, and two on the main deck. They were intended to carry main-deck guns at first, but after they were put into the water, or at least as soon as they got their provisions and stores on board, they were found incapable of carrying main-deck guns. It was then distinctly asserted they were never intended for steam frigates; but if that were so, he should like to ask why they were built 300 or 400 tons larger than steam sloops? But when the present Board came in, they disapproved of what had been done by their predecessors, and got a large grant to build proper war steamers. And how did they succeed? The *Firebrand* was laid down by them; a relation of the hon. Gentleman opposite (Mr. Corry) went to sea in her; and as the hon. Gentleman must know his relation's opinion of her, he hoped he would tell it to the House frankly and fairly. He thought they had a right to know it. He wished to know whether her boilers and steam boxes were above water or not; whether a shot could strike them without blowing her up; whether Captain Corry could sit in his own cabin, and whether he was not forced to go to another to get fresh air? [Sir *G. Cockburn:* The *Firebrand* was laid down by the late Board.] More shame for them. But he now came to a greater ship laid down by the gallant Officer, the *Retribution*. If they had noticed the de-

fects in the *Firebrand*, they should have seen that the *Retribution* was not put in the same class, and should have taken care that she was constructed in a manner honourable to the service. But what was the *Retribution?* He had not seen her since her guns and stores were aboard, but even then she was so immersed in water as to be useless as a vessel of war. Instead of having four guns pointed out of the main deck, the cabin windows were constructed like a packet's; there was no possibility of making her fire a gun from the main deck, and her steam boxes were exposed in the same manner as the other. No shot could be fired into her without the certainty of blowing her up. The *Gladiator* was exactly in the same category. The *Samson* was the only one they had constructed that was in any way useful. The *Terrible* carried no less than 1840 tons, yet the Admiralty, or the Surveyor, or the builder, he did not know which, absolutely forgot to give her any stern ports, or at least any such as a man standing could look through. All he could recommend the Admiralty to do was, to get the long gun in the Park, and have another made like it and put on board her. They might then say they had got two guns aboard the *Terrible*. There were three others on the stocks, the *Avenger*, the *Dragon*, and the *Centaur*. These, he was informed by the builder, were not yet too far advanced to be altered. He, therefore, earnestly hoped the Government would not be deterred by the expense from making them serviceable. He knew not how it was, whether from the obstinacy of the Surveyor, or otherwise, but they were still building on principles admitted to be wrong, even by the present Admiralty. Since the Admiralty had given him permission to construct a steam vessel himself, he had directed much of his attention to this subject. Then, as to the Queen's Yacht, of which he had not spoken before. This Yacht would not at first steer at all until she had been taken into dock. Now, he intended to call for a return of the enormous expense incurred on account of this Yacht in various repairs. Did any one ever in their lives hear of a steamer carrying 100 tons of ballast besides her machinery, in order to make her trim properly? She was so badly built that she was obliged to carry 100 tons of ballast besides her machinery. She had been sent into dock again, and he wished to know why she had been sent into dock a second time? He understood that the expense of sending the boilers and machinery of the Queen's Yacht round to Portsmouth instead of bringing her round to Woolwich, cost at least between 500*l.* and 600*l.* The hon. Secretary for the Admiralty might laugh, but he knew that it was so, and he would move for a return of those expenses. He would now turn to the experimental squadron at Plymouth. He understood that all those vessels were being brought round to Portsmouth to be put into dock. [Sir *G. Cockburn:* That is not the case]. The *Vanguard* was in dock, and the *Albion* was going into dock. [Sir *G. Cockburn:* You said all]. These vessels were going into dock, and all their provisions and stores would have to be removed. He did not mean to say that, under any circumstances, ships should not be sent into dock; but he mentioned the fact to show the shameful expense with which this system was carried on. He had already explained to the House the expense of the steam Navy. It was altogether impossible to distinguish those ships by the name of steam men of war. The only name they could be called by was armed steam packets. Now, there was the *Terrible*. Let them take her to Portsmouth, and anchor her a mile distant from the *Excellent*. He would agree to go on board her, would go below and allow a shot to be fired under water through her boiler, provided her steam was not up —but if her steam was up, he would not remain below in her for any reward they could offer, because he knew that if a shot passed into her boiler, he would be certain to come out cooked, and he had no fancy to be cooked. They would find it difficult to get men to remain below under those circumstances, and when an Admiral wanted to get his ships towed near the enemy, the captain of the steam boat would come to him, and report that the engineers would not remain below. He did not blame the engineers for this. Like the gallant Admiral himself, they entered the service to be cut and hacked, and maimed, and wounded, but not to be boiled. A man's mind was not made up for that. It had happened to himself to want steam boats to take him in tow to action, and the engineers had refused to remain below. [Sir *G. Cockburn:* What steam boats?] Why, they were manned by Englishmen, English captains, and English engineers, and

they would not attempt it. [Sir *G. Cockburn:* What did the man of war steamers do when you were off Acre?] They did their duty well—no doubt of it. But the gallant Officer must recollect that their guns were so long they were able to keep out of shot themselves. They did their duty because they knew no shot could get into them. [Mr. *Corry:* No.] The hon. Gentleman might contradict him, but the hon. Gentleman was not there, and he was. He should like to know what officer would place his war steamers near a battery if he could avoid it? It was the duty of the Government, if they did not understand these subjects themselves, to consult persons who did. All these discussions did a great deal of good. [Mr. *H. Fitzroy:* They do a great deal of harm.] He was sorry that the right hon. Baronet at the head of the Government was not present, as he generally paid a great deal of attention to those subjects. He would give the Admiralty a rap about it. He would come Mrs. Caudle over them. He recollected the time before the Reform Bill when things were not carried on as they were now. If an officer then presumed to give an opinion to the Admiralty it was looked on as the most impertinent thing he could do. Now, however, things were altered. The Admiralty had the advice of experienced officers; and if they would follow it no doubt they would get better steamers and men of war built in future. This would be the result of agitation, and agitation alone; but things would not be better done in the Admiralty till they changed the whole system. He hoped that his hon. Friend the Member for Montrose (Mr. Hume) would insist that some proper person should be placed at the head of each Department, in order to see that the public money was not squandered away in the manner in which it had been for a great many years past. In making these observations, he could assure the House that he was actuated by no private feeling of his own; on the contrary, his sole motive was to promote the safety of the country and the efficiency of the Naval service. At this moment they saw France with an enormous steam fleet at her command. The hon. and gallant Admiral opposite (Sir G. Cockburn) said, the French steam ships were only formidable from their horse power, and that he did not believe their ships e so good a ours. Now, it was not at the horse power that he looked, nor whether any particular vessel went faster than others. But there was no doubt of this, that France had twenty enormously large steam ships, every one of them 260 feet long, capable of containing 2,000 troops each with the greatest facility on a long voyage, and many more than that number on a short voyage. They saw her building steam basins on her coast, and this fact he wished to impress upon the Government and the House of Commons. France had a steam basin at St. Malo, capable of containing 200 steam boats. Then there was Cherbourg just opposite to us, a harbour that we could not attack. There, too, they were constructing new basins and fortifications. At Calais also new basins were building; and all this in the midst of a profound peace. It was only the other day that a report of the Minister of Marine pointed out to the French Government that the large steam boats which had been constructed for trans-Atlantic navigation were unfit for the purpose, and recommended that they should be turned into war steamers, and another set of steam boats built with the same excuse as before. This, he had no doubt, was done in order to blind us, as these new ones, if found unfit for trans-Atlantic navigation, might, like the others, be converted into men of war. He trusted the Government would pay the greatest possible attention to our steam navy, employ the most experienced men they could find, and hold out rewards for the invention of boilers, and fo entirely protecting the machinery from shot. He drew the attention of the House and the country to this subject, as he thought it was the only means of getting those improvements effected which were undoubtedly so desirable.

Mr. *Somes* said, this was not the first time that he had heard the hon. and gallant Commodore using the very same arguments for the purpose of lowering the Board of Admiralty with regard to the mode of building steam vessels. Now, he thought he had had as much experience as the hon. and gallant Commodore in steam operations. The hon. and gallant Gentleman had been finding fault with many of Her Majesty's steam vessels because they could not fire the guns out of their stern ports on the main deck. He had been on board the *Terrible* this day,

and had ascertained that there was not the slightest difficulty in placing her stern guns on the main deck; and, further, he believed there were many vessels building which were quite capable of carrying their stern guns upon the main deck. [Sir *C. Napier:* Name them.] The *Terrible* was one. But when the hon. and gallant Commodore went on to talk of the inefficiency of Her Majesty's steam navy, he had no hesitation in stating that it was very superior to that of any Foreign Power in the world, and that at this moment we were in possession of a fleet of upwards of 104 sail of steam vessels, out of which number there were 24 from 1,000 to 1,800 tons burden. All of those which were of 1,800 tons were capable of carrying their stern guns on the main deck. [Sir *C. Napier:* Name them.] Ten or a dozen others of the same class which were now building. Perhaps he might say that he had had a little more experience than the hon. and gallant Commodore in steam vessels, for he had availed himself of every opportunity when he was in the dockyard of visiting steam vessels, closely inspecting their capabilities, and of deriving information from practical men; and therefore he was enabled to say, without the least hesitation, that there was very great credit due to the present Board of Admiralty for the improvements which they had effected in the steam arm of the naval service. The hon. and gallant Commodore blamed the Admiralty for not building more steamers; would the hon. and gallant Gentleman have had the Admiralty construct fifty steam vessels ten years years ago, though it was only ten years ago that we began with steam men of war, and improvements in the system were being introduced year after year? They had but recently adopted the Archimedean screw for the propulsion of ships, and he had no doubt that it would eventually supersede other methods. Then, if that were the case, and if these improvements were continually in progress, it would be the height of imprudence to go on building ships to any great extent. He believed that our Navy was in a most efficient state, and fit to go to war with any Foreign Power. There were not only the 104 steam vessels in Her Majesty's Navy, but there was also our vast merchant steam navy—with these, in the event of a war, we might defy the world.

Captain *Pechell* should like to see the hon. Member for Dartmouth in the place of some one of the Lords of the Admiralty, especially of any one who said these discussions did a great deal of harm, because he was a practical man and understood the business, and he might have been able to give some reason for such an assertion. But the hon. Gentleman had undertaken to reply for the Board of Admiralty to the gallant Commodore, who had shown that our steam vessels were not fitted in the best manner for warfare, and that no steam vessel ought to be called a man of war unless she was able not only to chase an enemy successfully, but to retreat successfully also; and for that purpose it was necessary that she should have stern guns, which could be easily and efficiently worked. Any gun might be stuffed out of a window; but when a gun was fired from a stern not properly constructed for the purpose, down came all the gingerbread work, and the overhanging stern immediately flew away, to the great danger of all near. In order to obviate this defect, it had been found necessary to use long guns, and to construct carriages not fit for the purposes of warfare. He trusted that the Admiralty would attend to the suggestions and complaints of the gallant Commodore. Before he sat down he wished to refer to what had fallen from the hon. Member for Dartmouth on a former evening, when he declared that he was unable to man his ships through the Sailors' Home, but that he was compelled to have recourse to the crimping system. Now, he had received a letter from an officer, Lieutenant Fenning, of the Royal Navy, who was in command of the ship *Alfred*, of 1,400 tons, belonging to Messrs. Green, of Blackwall, in which letter that officer stated, that, during the last three or four years Messrs. Green had manned the whole of their splendid fleet without the intervention of crimps; a notice being affixed to a public showboard, stating on what day a ship was to be manned, a sufficient number of seamen came to make up the crew. Three years ago Messrs. Green built a private house or "home," for the residence of their seamen; and the result was most beneficial to the men themselves—while it enabled the owners to man their ships with good men. He hoped the Government would direct its attention to this subject, and take means to establish similar institutions in our seaports or in the dockyards, that the seamen might

be enabled to deposit their clothes and property in places of safety, and not become the prey of those merciless agents, who, whether they were called crimps or sharks, or whatever name, were in the habit of robbing and plundering our sailors on their coming ashore.

Mr. *Fitzroy* said, that with respect to the wish of the hon. and gallant Gentleman who had just addressed the House, that some nautical man should fill the situation which he (Mr. Fitzroy) held at the Board of Admiralty, that was a matter altogether beside the question under consideration; and, therefore, he should not enter upon it. All he could say was, that he had stated that some of the observations of the hon. and gallant Commodore (Sir C. Napier) were calculated to do a great deal of harm. He now repeated that he did think that the system of depreciating our own naval service and of elevating others in comparison, was not exactly the method of inspiring our seamen with that courage which rendered them so pre-eminent during the last war. Falling from a man of the hon. and gallant Commodore's distinguished courage, and, on many subjects, well known ability, he contended that it was the worst system which could be adopted to be continually introducing such discussions as these, and on every possible occasion pointing out to Foreign Powers our inferiority to them. These were the sentiments which he honestly entertained, and he repeated that he considered such discussions to be decidedly indiscreet.

Sir *G. Cockburn* could assure the hon. and gallant Member for Brighton (Captain Pechell), that it was not from any indisposition to reply to the hon. and gallant Commodore that he did not rise when that hon. and gallant Gentleman resumed his seat. He could assure the hon. and gallant Member, however, that he was in error if he supposed that the hon. Member for Dartmouth (Mr. Somes) had been thrust forward by the Government. He would take this opportunity of saying that he felt excessively obliged to the hon. Member for Dartmouth, and that this House ought to be equally obliged to him for what he had stated to-night. That hon. Gentleman was an independent Member of the House; he had nothing whatever to do with the Government. He possessed great knowledge relative to shipbuilding; and it was highly important, when there were two or three officers of the Navy to be found, who stated that there was nothing going on right in the British Navy, that an independent Member of great experience should give the House the benefit of his opinion on the subject. But as to the gallant Commodore's speech, it had been spoken before and answered before four or five times. He, therefore, had nothing to do but to follow the example of the gallant Commodore, and to repeat what he had already frequently stated to the House. But of what did the gallant Commodore complain? The former Government built steam vessels not intended to go into action as men of war to fight broadside to broadside; but to be used for chasing and attacking ships at a distance, being furnished with guns of long range on the upper deck. A gallant Officer, not then present, had already answered the gallant Commodore's objections on that score by referring to his experience in the Mediterranean. When the present Government came into office, the Admiralty endeavoured to get every information on the subject, and took great pains to try to lower the position of the machinery in steam vessels. They were now building with the view of finding out the best construction, and, as he said before, with the view of placing the machinery below water mark. They were also going to try the rotatory engine; and though the vessels were at present liable to have their machinery struck by shot, he would venture to say that they were as good as any that France possessed. He was in hopes before long to have all the vessels fitted with the screw, instead of paddles; and, as an instance of the efficiency of the screw, he might mention that in a trial of speed the *Rattler* beat the *Vesuvius*, went round the Bass Rock, and turned back twenty miles before it met again the latter vessel. The other day the *Rattler* was sent to take both the Arctic expedition ships in tow, and towed them four knots an hour against the wind. It was not to be supposed that former Boards of Admiralty should at once have learned by inspiration to make perfect steamers; but, unless they had built the boats they had built, the present Board would not have known how to improve the building, as they would not have had the opportunity of finding out the defects of previous constructions. With respect to Sir W. Symonds, it was only fair to allow

him the opportunity, when the *Queen* was brought home, of altering her. He wrote to the Admiralty, stating that he was convinced that he could improve the ship by certain alterations. There was no doubt that a ship could not be put into dock and altered without expense; but it was the duty of the Admiralty to accede to that officer's representations. With respect to the Royal Yacht, it had pleased Her Majesty very much, and had induced her to go to sea more than she might otherwise have been induced to do. When the Yacht first went to sea he was on board. It was fine weather, and she appeared to steer very well, as she did likewise last year when she went to Cowes. He was on board of her then, and paid particular attention to her capabilities; and in passing to Cowes and from Cowes to Needles she steered as well as any vessel could. But, on coming from Scotland, the wind blowing hard, she steered badly. Sir W. Symonds thought that if she were taken into dock and her sternpost altered she would steer better. She was, therefore, taken into dock, and he had no doubt that the gallent Commodore would find that the money was not wasted in making the little alterations which were required.

Mr. *Hume* was sorry to hear any language used in that House which would convey an opinion to parties out of the House that there were great defects in our Navy. At the same time, if there were defects, the Government ought to be obliged to those who pointed them out. He regretted very much that the School of Naval Architecture had been put down; but if they had at the present moment as many ships as they required, why build more until they had ascertained the best construction? He thought that a case had been made out why no more money should be spent, on the scale proposed by the right hon. Baronet opposite, for completing the steam navy, until better means were adopted for discovering the most advantageous mode of building the vessels.

Captain *Berkeley* said, the gallant Officer opposite had complained that several Naval Officers on his (the Opposition) side of the House, seemed to make it their sole business to find fault with the proceedings of the Board of Admiralty. That he emphatically denied; for he and the gallant Officers near him, were always ready to give the present Board of Admiralty any credit they deserved. He must say, that he thought the hon. and gallant Commodore (Sir C. Napier) had somewhat overstated his case, when he said that no engineer could be found to work our war steamers if they were called upon to go under the guns of the enemy. He hoped that his gallant Friend would withdraw that sweeping observation. Surely he must be aware that at the attack on St. Jean d'Acre, the steamers—in consequence of there being no wind—were lashed alongside the ships of war, and not the slightest hesitation was manifested by their engineers or officers, who would have been as much exposed to the enemy's fire as the crews of the line of battle ships had the wind not become favourable. The hon. and gallant Commodore had also charged the Board of Admiralty with which he (Captain Berkeley) was associated, with having rushed into the building system without any regard to the consequences. In 1815, other European Powers launched a large number of superior line of battle ships; and the predecessors of the gallant Officer opposite would have been greatly to blame if they had not also provided a sufficient number of line of battle ships after such a demonstration. Though the small 74's and other small ships might be an imposing force upon paper, they were comparatively useless when large ships were brought into line against them; and he thought, therefore, that former Boards of Admiralty had been fully justified in building large ships. He thought that the gallant Admiral used some expressions which were too strong, with respect to Sir W. Symonds. He felt that whatever might be said of Sir W. Symonds, that the Navy owed him a debt of gratitude for the numerous improvements which he had made in the construction of ships. As to the steam ships, he believed that the *Gorgon* and the *Cyclops* might have been much better ships if they had been built with the recent improvements which had been introduced in the construction of steamers, but still they were excellent vessels. Knowing, as they did, what foreign countries were doing, he felt that the Board of Admiralty would be liable to much blame if they were deterred, by any considerations of expense, from instituting such experiments as might enable them to bring our steam navy to the highest pitch of perfection.

Mr. *Bernal* conceived that the present discussion was irregular, as there were particular items in the Estimates which

involved the whole of the various topics introduced. He denied that the interests of the Navy had been neglected in that House, as was alleged by Naval Officers. With respect to the observations of his meritorious Friend the Member for Montrose, as to their ceasing to build more steamers until they had more positive information as to the best mode of constructing them, his hon. Friend said that if they could not lay down mathematical lines on which they could frame steamers, they should not go on building them; but how were they to acquire knowledge to obtain this mathematical accuracy if they did not go on with these experiments; and whether they investigated the matter by a Commission under the Board of Admiralty, or by the Board of Admiralty directing certain officers to look into the subject, still there must be an expenditure of money in experiments, or they never could expect to arrive at correct conclusions. It was notorious that ships might be built on the same lines, and even by the same builders, and the materials be as nearly as possible the same, and the result should be that they would have very different qualities, and that one would sail much better than the other. So it was in two watches made of the same materials and by the same maker, one would be much more accurate than the other. These differences arose from accidental circumstances, which it was extremely difficult to account for. With respect to the engineers on board the steamers, it must be remembered that the seamen went into action under a feeling of professional excitement, which could not be expected to be felt by a stoker's crew, who had no professional feeling on the subject, and who had to labour in all the heat and turmoil of the machinery. He thought, therefore, that the Admiralty should give every encouragement, not only to chief engineers on board the steamers in the Navy, but also to all the subordinate ranks of that character, so that these persons should rise in rank and pay, and which, no doubt, would operate as a stimulus to them. For his own part, he believed that the science of steam was still in its childhood, and there was much to learn. It was only within the last ten or twelve years that the commanders in the Navy were expected to have any knowledge as to how to direct steamers; but much certainly had been done in this respect by the training which they could get at Woolwich, and at Mr. Napier's yard at Glasgow.

Sir *C. Napier* observed that the hon. and gallant Member for Gloucester had misunderstood him as to what he had said with respect to steamers going into action.

House in Committee.

On the Question that 1,199,141*l.* be granted for Naval Stores, for the building, repair, and outfit of the Fleet, and for the purchase and repair of Steam Machinery.

Sir *C. Napier* said, he had been astonished at the speech of the hon. Member for Dartmouth. The hon. Member said the *Terrible* was capable of firing stern guns. He certainly believed the hon. Member thought so, but he must tell him honestly that he knew nothing about the matter. He was also wrong in saying that the steamers now building would carry stern guns: there were none now building that had stern guns, nor were capable of having them. The hon. Member for Lewes had astonished him also. He had told him that he was not to speak the truth in that House. ["No, no!"] Why, he said that what he (Sir Charles Napier) had stated did harm. What was that but to tell him that he was not to state the real facts? But he would tell the hon. Member that it was perfect humbug to suppose that they would blind foreign nations as to the state of the British Navy. They knew perfectly the condition of all the British ships; the only part really in ignorance was the British House of Commons. He denied that any material improvements had been made in the building of steam vessels in the Navy since the *Gorgon* and *Cyclops* were built ten years ago. These vessels, however, were called steam frigates, but they were not so, for neither of them would carry guns on her main deck. One of them had been turned into a corvette, and the sooner this was done with the other the better. There was not a single steamer in the Navy which might not have its boilers destroyed, or its machinery damaged, if a shot was fired into her, as no adequate steps had been taken for their protection.

Mr. *Hume* thought that they should not maintain a larger naval force than was necessary; but every ship kept up ought to be in the most perfect order. He thought that this particular rate was extravagant, and the circumstances of the country did not warrant it at that time.

Captain *Pechell* referred to the importance of paying more attention in Her Majesty's dockyards than was at present shown to the articles of African oak, hemp, and marine glue. The latter material he considered to be possessed of most valuable qualities, and ought to be universally adopted for caulking the timbers of ships instead of pitch; the experiments which had been lately tried with it had been eminently successful.

Mr. *Somes* said, he could not recommend the adoption of the marine glue for general use in vessels so confidently as the hon. and gallant Member had done, because he had had no sufficient opportunity as yet of testing its properties. He had used it in a ship of his lately launched, and from his observation of its efficacy so far as that enabled him to judge, he had formed a good opinion of its value. Still he had not sufficient experience to enable him confidently to recommend the adoption of it in Her Majesty's Navy, without further trial.

Sir *George Cockburn* said the marine glue was found to answer very well in the caulking of the *Black Eagle,* but he did not feel warranted in speaking as favourably of it as the hon. and gallant Member had done.

Lord *Ingestre* said the important science of Naval Architecture had been hitherto much neglected in this country; but he was very glad to perceive that of late much more attention was paid to it than in past times. It was really wonderful that in this great maritime country such a subject should have been so long left in the back ground. There were many matters connected with the state of the Navy that he thought wanted revision. For instance, the office of Surveyor of the Navy had many more duties connected with it than ought to be entrusted to a single individual. It was quite unreasonable to require one man to attend to the condition of the great number of ships that were kept both in ordinary and on active service. He considered that the present Board of Admiralty had displayed a laudable desire that as far as possible the different systems of ship-building should have a fair trial; and he believed that through the exertions which were thus made, the best forms and plans would ultimately be arrived at. He wished that all the systems should be given a fair trial, but he had at the same time to complain that there was scarcely one of the ships recently built that it was not subsequently found necessary to alter. He must also complain that for many years past a feeling appeared to exist in the dockyards of getting rid of particular vessels by preventing their completion. This he thought was most unjust, and ought to be put an end to.

Vote agreed to.

On the Question that 129,640*l.* be granted to complete the sum necessary for Half-pay of Officers of the Navy and Royal Marines,

Sir *C. Napier* called the attention of the House to the condition of the masters in the Navy. They were entitled to higher rewards. The rank of second lieutenant should be opened to them, and the position of masters should be done away with. He would be glad to know from the gallant Officer whether there was any intention to ameliorate their condition? There had been several improvements in the Navy lately, and he believed more were intended. Amongst them he hoped that a benefit to the masters would be included.

Sir *G. Cockburn* agreed with the gallant Commodore that they were most valuable officers, but thought if they were turned into lieutenants, the service would ultimately lose by the change. The masters, it should be recollected, entered the Navy from the merchant service; they were required to have commanded a merchant vessel; but no previous service in the Navy was required of them. They, therefore, entered in quite a different character from other officers. If the master was made a lieutenant, he would expect to be advanced like others of the same grade, and his services might be lost when he became most experienced. He agreed that they could not give them too much encouragement; and at present the master in a line of battle ship received higher pay than a first lieutenant, while in other rates the master's pay was exactly the same as that officer's.

Captain *Berkeley* thought the hon. and gallant Officer was speaking rather of the state of things many years ago than at the present time. Masters were now required to enter as masters' assistants, and to go through an apprenticeship in the service. If the gallant Admiral looked at the present regulations of the service, he would find he was mistaken.

Captain *Rous* said, a midshipman of six years' service ought to be able to pass

as strict an examination as any master. But most of them having been brought up on board line of battle ships, were totally incapable of doing a master's duty. Very few of them could pass an ordinary examination in seamanship. A case had occurred to himself, in which a young gentleman could not answer any three questions in seamanship. This deficiency arose from their being continually on board line of battle ships, which were always in harbour; they had not the opportunity of gaining experience. The Admiralty was placed too high to hear the real merits of naval officers; and, as to going to it to ascertain the qualification of this or that person as a seaman, he would as soon apply to the Archbishop of Canterbury. The best plan would be to do away with masters altogether, to let the midshipmen have a good practical training, and require them to pass a proper examination; they would then have excellent officers, which was not the case at present.

Sir *G. Cockburn* differed from the hon. and gallant Officer. The necessary qualifications of an able master could not be acquired in six years. He denied that their naval officers were so inefficient as had been represented. They had as good officers now as they had during the war. Nor was the ignorance of the Admiralty as to the qualifications of officers so complete; he had always found that officers gave their opinions of those who had served with them with sincerity and fairness. He hoped they would not take the character either of the Admiralty or the officers from the speeches made in that House.

Sir *C. Napier* said, that whenever he or any other Officer in that House pointed out the inefficiency of the officers in the Navy, they were told that they were detracting the service. He did not wish to do this; but he would say that the Navy was not properly officered, and that had been the opinion of Lord Collingwood, no mean authority on such a subject. As to the masters, he still thought that they were ill treated.

Mr. *Williams* complained of the pensions for officers of the Navy, and especially of the number of half-pay officers. There were more men receiving half-pay at the present day than immediately after the war—thirty years ago. There were 4,200 widows of various persons connected with the Navy receiving pensions. He did not see what claim the widows of pursers, of whom there were 300 and upwards, had upon the Navy funds; they were essentially civil persons. There were also several individuals on the pension list who had been paid twenty-five years' pension for doing nothing.

Sir *J. Graham* observed, that the night was very far spent, and it was not desirable to prolong this discussion. It was impossible for him, however, not to take a very lively interest in the character of the naval profession. It had been intimated that those who presided at the Admiralty, never heard the truth with respect to the performances of officers. Now, there was an officer recently returned from a foreign command as competent as any man living to form an opinion of the merits of those who served under him; he alluded to Sir W. Parker, for whom he entertained the greatest respect, and an esteem amounting to affection. On his return from China—admiring his brilliant naval exploits, he had naturally asked him what was his opinion of the merits of the officers of all ranks who served under him. His reply was, that the real trial was in creeping in shore on an unknown coast; not in deep sea, but in difficult operations near the shore; and the gallant officer had assured him, that under no circumstances had he ever known British officers more trustworthy or more talented than those employed in the late most difficult operations in the East.

Captain *Berkeley* remarked, with reference to what had been said as to an officer's political opinions influencing the chance of his promotion, that the hon. and gallant Commodore near him (Sir C. Napier) had stated in the House, that the hon. and gallant Officer opposite (Sir G. Cockburn) had told him, that he (Sir C. Napier) was to have the command of the experimental squadron. They all thought, in consequence of this, that it was a settled matter; but, when the hon. and gallant Gentleman went to the Admiralty upon the business, he was told that he was too much of a party man to have the command of the fleet in question. This had been stated in the House, and had not been contradicted.

Sir *G. Cockburn* was glad that the hon. and gallant Officer had given him an opportunity of alluding to the subject. The hon. and gallant Officer had unfairly and

improperly stated the circumstances of the case. He had told the gallant Officer that he was amongst the number whose names had to be submitted for consideration. When they came afterwards to consider the names—and that of Sir Hyde Parker was mentioned, he was thought to be the better person, and that, too, without the slightest disrespect to the gallant Commodore. The reason why the gallant Commodore was not appointed was, because he had taken so decided a part against the ships of Sir William Symonds. It was thought on this account that it would be more satisfactory to have Sir Hyde Parker, as he had committed himself by no opinion, whilst the gallant Commodore had taken a most active part in condemning some of the ships that were going to be tried—the *Albion* and the *Queen*. He himself had no doubt that the gallant Commodore would have given a fair opinion. On this subject, however, the gallant Commodore had proved himself to be a decided partisan; and it was not to be expected—though he himself had no doubt that he would be quite impartial—still he said it was not to be expected that he would have been quite as impartial as Sir H. Parker, who had given no opinion one way or another on the subject. There was no allusion to any "party," except that as to shipbuilding.

Sir *C. Napier* said, that as the gallant Admiral had told his story, it was right that he should tell his own. He had chanced to see Lord Haddington; the conversation turned on the subject of the experimental squadron. He then said, "I wish you would give me the experimental squadron, and I will give you a fair report." Afterwards, talking about the experimental squadron with the gallant Admiral, he had said, "I wish you would give me the command, and you shall know all about it." The answer of the gallant Admiral was, "You are just the very fellow we want; you are a straightforward sort of person; we shall get the truth from you." The reply was, "If you send me in command of the experimental squadron, I will tell you the truth, whether you like it or do not like it." The gallant Admiral then said, "What ship would you like? Would you like the *Canopus?*" He replied, "No; if I choose a ship, it shall be the *St. Vincent*: if I have the command, I must have such powers as will enable me thoroughly to exercise the squadron; I must be allowed such powder and shot by the Admiralty as will enable me to do it effectually." So secure was he of the appointment that he went to Captain Hamilton, and said, "Sir G. Cockburn tells me that I am to have the command of the experimental squadron;" the gallant Gentleman replied, "that he did not know whether the gallant Admiral had power to say so much," and he (Sir C. Napier) confessed he thought he had gone too far. When he went back on other matters, he asked whether it was settled who was to have the command; the reply was, "Nothing has been settled yet." He went again, subsequently, he believed about the steam boats; and then he was told, in reply to the question whether he was to have the command, "No, they would not hear of your name; you are too violent a party man; you will not have it." There was not a word said about the part he had taken as to the ships. His rejoinder was, "I am not a party man at all, and I would have done all I could for you in this instance." He then wished the gallant Admiral "Good morning," and that was all that passed.

Captain *Rous*, in reference to the complaints of the examinations for lieutenant, and in reference to Admiral Hyde Parker himself, recollected what had taken place with a midshipman passed by Admiral Hyde Parker. He stuttered so much he was wholly unfit for his duty; but the only way in which he could be got rid of was to invalid him. He was, therefore, brought before three invaliding captains, of whom this very Admiral Hyde Parker was one; and the admiral exclaimed, "Who the devil passed you?" and the midshipman stuttered out, "You did." In his opinion the mates ought to be examined by the Trinity Board.

Vote agreed to. Other votes having been passed, the House resumed. Committee to sit again.

House adjourned at a quarter to two.

HOUSE OF LORDS,

Monday, May 26, 1845.

Minutes.] Bills. *Public.*—1ª. Real Property Deeds Registration.

2ª. Ecclesiastical Courts Consolidation; Calico Print Works; Railway Clauses Consolidation (Scotland) (No. 2).

Private.—1ª. Whittle Dean Waterworks; Standard Life Assurance Company; Nottingham Waterworks; Glasgow Bridges.

Reported.—Southampton Docks; Scarborough Water; Hungerford and Lambeth Suspension Bridge.

3ª. and passed:—Royal Naval School.

PETITIONS PRESENTED. By the Duke of Grafton, Bishops of Worcester, Gloucester, Winchester, St. David's, Cashel, Llandaff, Durham, and London, Earl of Mountcashel, Winchilsea, Cawdor, and Brownlow, Marquess of Breadalbane, and by Lords Redesdale, Kenyon, Farnham, Feversham, and Monteagle, from Godnestone, and an immense number of other places, against Increase of Grant to Maynooth College.—By Lords Dacre, and Campbell, from the Lord Mayor and others of the City of London, and from the Governors of St. Bartholomew's Hospital and others, praying to be heard by Counsel against the Charitable Trusts Bill.—From Guardians of Bandon Union, and Ratepayers of the Navan Electoral Division, for Alteration of Bastardy Clause of the Poor Law Act (Ireland).—From Guardians of Cootehill Union, for Inquiry into the Operation of the Poor Law Act (Ireland).—From Wellington, for the better Observance of the Sabbath.—From Chobham, for the better Regulation of Beer Houses, especially on the Sabbath.—By Lord Brougham, from Commissioners of the Court of Requests for Stockport, Brinnington, Edgeley, and Brinksway, for Repeal of Insolvent Debtors Act Amendment Act.—By the Lord Chancellor, and by Lords Brougham, and Stanley, from Incumbent of Eau, Tunbridge Wells, and from Merchants and others of Manchester, and 3 other places, in favour of the Increase of Grant to Maynooth College.—From Portadown, for Inquiry into the Course of Instruction adopted at Maynooth.—By Marquess of Normanby, from Manchester, and by Lord Faversham, from Mayor and others of the City of York, for the adoption of Sanatory Regulations in populous Districts.—From Romaldkirk, for Revision and Alteration of Rubrics, Canons, and Laws of the Church.—By Earl Manvers, from Nottingham, against the Nottingham Inclosure Bill.—From Kintyre, and 3 other places, for Improving the Condition of Schoolmasters (Scotland).—From Carshalton, and 4 other places, in favour of the Calico Print Works Bill.—From Selkirk, Melrose, and Hawick, against the present practice of Granting Spirit Licenses to Toll Houses (Scotland).

MR O'DRISCOLL.] Lord *Brougham*, having presented a petition from Stockport against the 20*l.* Clause in the Court of Requests Act, said he wished to put a question to his noble and learned Friend on the Woolsack, in reference to a statement which he had read in a foreign newspaper—copied, however, from an English newspaper—respecting an Irish magistrate, Mr. O'Driscoll, who had been twice removed from the Commission of the Peace, and twice replaced. And he must say that never in his life had he seen the administration of justice brought into more flagrant contempt than it had been by the outrageous conduct—that was, supposing the statement were not altogether a fiction—of this individual. If the circumstances detailed were true—though he was bound to tell their Lordships that it rested upon the authority of a newspaper—he hoped to have an answer to the question, whether Mr. O'Driscoll was still to be retained in the Commission of the Peace? The statement to which he referred professed to be a report of the proceedings in a case at the Skibbereen Sessions, and proceeded thus:—

"Mr. O'Driscoll (turning himself back in his chair): I don't understand this, and will not put the question.

"Mr. Galway: Mr. Fleming, I must ask you how you'll vote?

"Mr. Fleming (after some hesitation): I regret feeling bound by law to vote for informations.

"Mr. O'Driscoll, without saying a word, entered informations; and, after a few moments, said, 'By G— I don't understand those popularity-hunting magistrates.'

"Mr. Galway (standing): Gentlemen, is such language to be borne? Are our votes here as magistrates to be thus characterized by saying publicly that it is seeking popularity we are?

"Mr. O'Driscoll; Sit down, sir; hold your tongue.

"Mr. Galway: I will not, sir; and I tell you your observations are improper—very improper, sir.

"Mr. O'Driscoll: You had better sit down. I'll meet you elsewhere."

[*A laugh.*] Their Lordships laughed at this. Now, he (Lord Brougham) considered this language of Mr. O'Driscoll as a challenge to break the Queen's peace given by a presiding magistrate administering criminal justice at petty sessions, to another magistrate, his colleague, on the same bench, and in the same commission; and supposing such language were used, he must say it exceeded in indecency anything that he ever remembered to have occurred in the administration of public justice. The report went on—

"Mr. Somerville here interposed, and appeared to be expostulating with Mr. O Driscoll on his conduct, when the latter said, 'I tell you, man, I did not mean him at all.'

"Mr. Galway: I am bound to believe you.

"Mr. Fleming: We understand you, Mr. O'Driscoll, that the matter is not to go further outside this court, in any possible way, otherwise we will bind you over."

So that here was a magistrate presiding at sessions, threatened by his brother magistrate to be bound over to keep that peace which, by the terms of his commission, he was the conservator of, but of which he had himself committed the grossest breach, by giving, while on the bench, and sitting as magistrate, a challenge to a brother magistrate to fight a duel. This was the amount of what occurred at the Skibbereen Sessions.

The *Lord Chancellor* said his noble and

learned Friend must be aware that he had nothing to do with the appointment of Irish magistrates. With regard to the individual in question, his conduct had been investigated by their Lordships in consequence of what had occurred on a previous occasion; and he believed their Lordships were satisfied with the explanation then given. ["No, no."] This, he understood, was a charge against Mr. O'Driscoll for some subsequent conduct; and he (the Lord Chancellor) knew nothing, and could not have known anything until now, and with which, as far as his official duty was concerned, he had nothing to do. If, however, his noble and learned Friend wished him to do so, he would write to the Lord Chancellor of Ireland directing his attention to the statement, and requesting him to call for an explanation.

Lord *Brougham* did not hold his noble and learned Friend in any way responsible in the matter. The question was, whether the Lord Chancellor of Ireland, seeing this statement in the public papers, had made any inquiry into its truth or falsehood?

The *Lord Chancellor:* If his noble and learned Friend would give him the newspaper containing the report, he would inclose it to the Lord Chancellor of Ireland, who would demand from Mr. O'Driscoll an explanation or not, as he might think proper.

Lord *Brougham* then handed the paper to the Lord Chancellor.

The Earl of *Mountcashel* said, as Mr. O'Driscoll was a magistrate in the county with which he was more directly connected, and as he knew him well, he wished to be informed whether the charge was in respect to anything of recent occurrence?

Lord *Brougham:* Yes.

The Earl of *Mountcashel:* It appeared to him, then, somewhat remarkable—if he understood the noble and learned Lord right—that the reference to the circumstance was made in a French paper, and not in an English paper.

Lord *Brougham:* It is in an English paper.

The Marquess of *Clanricarde:* I have seen the same statement in an Irish paper.

The Earl of *Mountcashel:* I well remember that strong charges were brought against Mr. O'Driscoll on a former occasion; and that the whole subject having been fully examined, he was not found to be the guilty man. The truth of the matter is, that Mr. O'Driscoll is a Roman Catholic; and, being so, is also a Conservative. This is a crime not to be forgiven in Ireland. Other Conservatives are not much in favour in Ireland, but a Roman Catholic Conservative is a man condemned to all eternity. I believe several of the other gentlemen on the bench with Mr. O'Driscoll happen to be Roman Catholics, and bear great spite and animosity against him for the union I have stated, that being a Roman Catholic he is also a Conservative.

Earl *Fortescue:* As I felt it my duty to bring forward the charges against Mr. O'Driscoll last year, which were inquired into, though certainly I heard nothing in the House in the shape of any sufficient defence of that gentleman, with reference to his conduct on the matter with which I charged him at the time, and which rested, not on mere newspaper report, but on a conviction before that quarter sessions of which he was himself a member, I feel it my duty to repeat now what I then said, that his conduct on that occasion was most improper, and unbecoming a magistrate and a gentleman. I am, therefore, in no way surprised at the occurrence which has been referred to by my noble and learned Friend; and which I saw reported some days ago in an English newspaper, and also in an Irish newspaper; and which I intended myself to have mentioned in this House if my noble and learned Friend, with whom I have had no communication on the subject, had not done so. I believe the circumstances under which Mr. O'Driscoll was restored to the commission was, that the conduct for which he had been dismissed had resulted from irritability of temper produced by ill health; and his restoration to health would, it was thought, conduce to an amendment of his temper and prevent the repetition of such scenes. I can only suppose that he has had a serious relapse; but whether that be so or not, if what has been stated by my noble and learned Friend, and which has appeared in a great many newspapers, should, on inquiry, prove to be correct, I trust the Government will not allow Mr. O'Driscoll to remain any longer a member of the Commission of the Peace, in order that we may not run the chance of another relapse, occasioning further instances of his irritability of temper.

Lord *Wharncliffe:* I quite agree that more improper conduct than that which this report charges against Mr. O'Driscoll could not have happened; and I can by no means admit the excuse offered by the noble Earl Mountcashel as sufficient. The members of the magisterial bench must conduct themselves in a decent and proper manner, and like gentlemen; and they must remember that they are the servants of Her Majesty, and bound to keep the peace. But the matter is now in its proper course, my noble and learned Friend on the Woolsack having undertaken to communicate with the Lord Chancellor of Ireland, who will, if he think it necessary, open the question and call for an explanation.

MAYNOOTH.] The Bishop of *Cashel* presented a petition against the grant from 270 of the clergy of the United Church of England and Ireland. The right rev. Prelate, in presenting the petition, said, their Lordships were aware that in this city there were generally about this time annual meetings of many religious societies; there were similar meetings in Dublin, and it was upon one of those occasions when there was a large assemblage of clergy, that this petition had been agreed to. They felt it their duty to express that, as endowed ministers of the Protestant Church, they could not be parties to the instruction of any persons in what they considered as erroneous tenets. He admitted that during the last century nothing could have been lower, nothing could have been worse than the Established Church in Ireland. From the time of Archbishop Boulter it had been sinking. Dr. Mant, who, as they knew, was an Englishman, and was likely, if anything, to be prejudiced in favour of the Establishment, in his History, said—

"The chief motive to his elevation was of a political tendency, the object of the English Ministry being to place in that situation a confidential adviser, who might support what was called the English interest in Ireland; and this will suffice to account for the non-appointment of Archbishop King, who was at the head of the Irish party."—Vol. 2, p. 418. "And the like motive avowedly actuated the public appointments, urging, as he did, the necessity of the English interest being constantly maintained by the selection of persons who could be depended on for maintaining it. It is remarkable, and it is calculated to excite entiments of dissatisfaction and disapprobation on perusal of the Primate's letters, that very little is, in fact, said of the religious, the moral, the theological, the literary, those who are put forward for vacancies in the episcopate, and that their recommendations rest, in a prominent degree, on political and secular considerations."

Archbishop King also, in one of his letters, said—

"We have nothing to trust to in effect but the prudence and diligence of the bishops and clergy to press and make the best advantage of a good cause; and if we consider the preferments that have been made of late, many are of opinion that much is not to be expected from them."

It was about this time that Dr. Rundle, who had been rejected as unfit for Gloucester, was thought good enough for Derry. The letter continued—

"I told you in my last that since my Lord Lieutenant was nominated to the Government about 18,000*l.* per annum has been given in benefices to strangers, and not 500*l.* to any in Ireland. The bishops sent us from Ireland follow the same track in many instances. The Bishop of Derry (Dr. Rundle?), since his translation to that See has given about 2000*l.* in benefices to his English friends and relations. The Lord Primate hath had two livings void since his translation; one he has given, of about 200*l.* per annum, to one of his Waltham blacks" (which Bishop Mant says was one of a well-known horde of deer-stealers in Hampshire), "whom he ordained priest; and the other to one Mr. Blennerhasset, whom they commonly call a Hottentot, I know not for what reason." "The Bishop of Waterford has not only given all livings of value in his gift to his brothers and relations, but likewise his vicar generalship and registry, though none of them reside in the kingdom."

At the same time he said he should be most wanting in gratitude if he did not offer his unfeigned thanks on the part of the clergy of that Church to the present Administration for what they had done in respect to the patronage of the Irish Church. Dr. Doyle, a most excellent Roman Catholic prelate, speaking of the clergy of the present day, in his evidence before their Lordships, said—

"Though many have personal property, still, generally, they are solely dependent upon their livings. They have only a life interest in them. They generally have large families, and are obliged to live with economy, and to husband all their resources, in order to educate their children, and make some provision for them. Their expenditure must, therefore, be small. Then, as to their benevolence, there are several of them who are

extremely kind; and their wives and children, I believe, are not less well disposed Latterly, unfortunately for themselves and the peace of their parishes, they have almost universally been influenced by over-zeal in religion; and while with one hand they scatter a few blessings, with another they sow discord; and the clergyman and his family are among what we call 'proselyters,' who disturb the peace of the people, and do a vast deal of mischief, whilst they do some good."

And Dr. Cook, of Belfast, said—

"That he could speak of a great revival in the clergy of the Established Church. In speaking of a revival, he might appear to accuse them in former times of not being what they ought to be; but he was sure the Commissioners, the members of the Established Church, would wish him to speak the truth; and he must say, in past time they fell short of their proper standard, but of late their orthodoxy and zeal have had a most influential effect upon the orthodoxy of the Presbyterian body, and in turning many from Arianism."

Dr. Chalmers had the following eloquent passage on the same subject in his Lectures on Church Establishments:—

"The remedy is, not to abolish the Protestant Establishment of Ireland, but rightly to patronize it; nor can I imagine a wider contrast than between the wise and temperate reformers from Popery of 300 years back, who, despite the enormities of that system, let alone the material of its establishment, and only committed it to other and better hands, and the reformers of the present day, who have abridged and would destroy the Protestant Church; and that, too, in the face of a manifest revival in the zeal, in the character, in the devoted missionary spirit of its clergymen, who, unlike to those predecessors for whose errors—I should say, for whose crimes—they are not responsible, consecrate their whole time, and talent, and unrequited labour to the moral interest of their country; the martyrs of its now misplaced and excited violence, yet, we trust, the agents of its coming regeneration. The truth is, that among the Established Churches of our Empire, that of Ireland, in the vital and spiritual sense of the term, is the most prosperous of the three. While its outward man perisheth, its inward man is renewed day by day. The hand of power may strip it of its temporalities, but we trust its indomitable spirit in the cause of a pure and scriptural faith will not so easily be quelled. Though despoiled of their rights, they will not abandon their duties. Like the Christians before the days of Constantine, they may, perhaps, have to win the ground over again—when the Church, purified by the discipline of adversity, will again arise in its strength, and, repeating the conquest of truth over a degrading superstition, will add another victory to the triumphs of former generations."

While receiving the endowments belonging to the Protestant Church, the Protestant clergy in Ireland had not departed from the path of duty by ceasing to support the cause of truth against that with which it was in a state of the greatest antagonism; and if ever they lost the affections and esteem of their countrymen, it would be through pursuing the inconsistent course of not defending that cause which they were bound to defend.

The Marquess of *Normanby* wished to put a single question to the right rev. Prelate with respect to this petition. He could not conceive for what purpose he had made the remarks which he had done, unless it were with the intention of attaching all the weight which now belonged to the character of the Irish clergy to the petition which he had presented. He entirely agreed with the right rev. Prelate as to the admirable change which had of late years taken place in the character of that Church; but he wished to ask the right rev. Prelate a question with reference to the exclusive weight which he attached to the sentiments of the petitioners, namely, whether many distinguished and eminent clergymen of his own diocese had not refused to sign the petition, and had not expressed to the right rev. Prelate their entire dissent from the sentiments contained in it? He would recall to the recollection of the right rev. Prelate the names of a few clergymen, who he was sure the right rev. Prelate would agree with him were amongst the most eminent—the Rev. Mr. Woodward, the Rev. Mr. Darby, the Rev. Mr. Heffernan, and the Rev. Mr. Paliser, rector of Clonmel.

The Bishop of *Cashel* said, that not one single clergyman in his diocese had refused to sign the petition. It was got up in Dublin, was signed in two days, and had not been sent anywhere else for signatures. The clergymen of his diocese were not asked to sign it. The noble Marquess having put this question, he would state, that he had seen in the newspapers an account of some address from the clergy of the diocese of Cashel, which it was said eight or nine persons out of 160 had signed. He begged to say that no such address had ever come to him. He believed, however, that nine or ten of the clergy of the diocese, in consequence

of having heard that Her Majesty's Government considered the absence of petitions from the Irish clergy a favourable circumstance as regarded the Maynooth Bill, had drawn up a document, which was sent round the diocese; and perhaps before this Bill came before their Lordships, he might have to state that more than 100 of the clergy had signed an address against the grant to the College of Maynooth.

Earl *Fitzwilliam* said, the right rev. Prelate had by implication pronounced a somewhat severe judgment upon those who might not entirely agree with the clergy—as he would have their Lordships believe, the unanimous clergy—of the diocese of Cashel upon this question. He seemed to insinuate, at least, that those who did not partake in that unanimity were guilty of a very great dereliction of duty. The right rev. Prelate said, in effect, that parties ought not to enjoy the endowments of Protestantism, and not resist at the same time the teaching of that between which and something else there was the greatest antagonism. Now, he (Earl Fitzwilliam) knew perfectly well, that there was great difference in some points between the Church of England and the Church of Rome — a difference which made him prefer, in a degree not much less perhaps than even the right rev. Prelate, the communion to which he belonged. But to go the length of calling it antagonism was a little too much; unless, indeed, it were the antagonism merely of sectarianism, and not the antagonism of religion. Surely the right rev. Prelate did not mean to say, that those with respect to whom the sect to which he belonged was in antagonism, did not subscribe all the leading doctrines of their common religion? If he understood the scope of the right rev. Prelate's speech, his object was, to show that for a long period every clerical appointment in Ireland was made with a view to English, and not to Irish interests; but he could not conceive how his speech could be worth anything for the purpose for which he had presented the petition.

Ecclesiastical Courts Consolidation Bill.] Lord *Cottenham* rose to move their Lordships to give a second reading to the Bill for the Consolidation of the Ecclesiastical Courts. If this were a new question, if it were the first time that he was asking their Lordships to give effect to a Bill, the object of which was to set aside the jurisdiction of a great many very ancient courts, and adopt a new jurisdiction to dispose of all ecclesiastical matters over which jurisdiction ought hereafter to be given, he should feel it his duty to enter at large into the subject, to induce their Lordships to adopt a proceeding which certainly was extensive in its operation, and upon which considerable difference of opinion might be supposed to exist; but this was a subject of all others the most exhausted; it was one which had been for many years under the consideration of this and the other House of Parliament, and he thought their Lordships would be of opinion, when they recalled to their recollection what had taken place in the other House of Parliament, and the Royal Commissions which had sat on the subject, that there could hardly be mentioned a subject for the consideration of Parliament on which there had been so uniform a concurrence of the opinion of all persons. Before he stated the object of the present Bill, he wished to relieve the case from every disadvantage which might arise from his being the individual who brought it forward. He had been induced to do so because he had been for many years the advocate of this measure, and because it fell to his lot in the year 1836 to propose to Parliament a Bill for this very purpose. The Bill which he had now to submit to their Lordships' consideration was precisely and identically, word for word, the same as the Bill which was settled in the Select Committee in the year 1836. There might be some small details of the Bill which might not be precisely adapted to the existing state of things, because, since that period, some alterations had taken place which might make some trifling alterations in the Bill necessary; but he was anxious to state that the Bill was not his, but the Bill of the Select Committee of that date. He, therefore, thought it better to present it in the form in which he found it settled by the Committee. It would be his duty, before he sat down, briefly to call to their recollection the various proceedings which had been had in Parliament on the subject; and, indeed, they were so numerous and so unanimous and conclusive as to the merits of this measure, that perhaps he might still leave it to the authority to be derived from the various investigations and opinions which had been communicated to Parlia-

ment; but there might be some of their Lordships who had not had these subjects under their consideration, and, perhaps, in a matter so important, in which the regulation of very important jurisdictions were aimed at, and in which the abolition of 370 courts was proposed, it might be considered his duty to state to their Lordships shortly what was the grievance, and what was the remedy which he proposed to apply. Their Lordships were aware of many of the matters which were subject to the jurisdiction of the Ecclesiastical Courts, which, in their importance, could not be exceeded by the matters submitted to the jurisdiction of any other courts. Their Lordships were aware that matrimonial questions—whether a man and woman who were supposed to be a man and wife were really married, the situation in which they themselves stood, the situation in which their child or children might stand, and all the rights incident to the state of marriage, were matters for the consideration and decision of the Ecclesiastical Courts. Questions, whether a marriage was originally void, whether it was within the legal requisites which enabled a party to contract marriage, or whether there was anything belonging to it which made it void, were matters for the consideration of the Ecclesiastical Courts. Again, questions arose, not where a marriage was actually void, but where it was voidable if declared to be so by a competent jurisdiction, that competent jurisdiction being the Ecclesiastical Court; also in cases where the marriage was in itself valid, and where the parties applied to be divorced, not *a vinculo matrimonii*, which was the province of Parliament, but *a mensâ et thoro*, it was the Ecclesiastial Court which had jurisdiction. These were most important subject matters of jurisdiction—these were matters in which the interest and welfare of that part of the community with respect to whom such questions might arise were peculiarly interested in having a valid and proper jurisdiction for the purpose of determining these important matters. Another most important subject of ecclesiastical jurisdiction was the power of deciding upon the validity of wills, and of granting probate, or decreeing the administration of assets of those who died without wills. He need not state the immense importance of this jurisdiction. Originally it was undoubtedly of little importance, because when those courts were constituted, the personal property of the inhabitants of this country was comparatively small. Those who were rich were the possessors of land; now the personal property of the country was enormously great, and most important interests were concerned in the due administration of the laws by which the granting of probate and the establishment of wills were to be regulated. It was not only in respect to this property that the jurisdiction of the Ecclesiastical Courts was important; for although it had no jurisdiction over freehold land, its jurisdiction in fact extended over questions which concerned a large portion of the landed interest; for instance, it had jurisdiction over matters concerning leases and terms for years. In the province in which their Lordships were now sitting, there was little property which was not leasehold—the freehold belonging to some proprietor, but all the houses built on the land were held for long terms of years. So that although the probate or administration granted by the Ecclesiastical Courts had no effect on the freehold interest, it had a direct effect on all that interest in land which depended on leases or terms of years. These were the two great subject matters of ecclesiastical jurisdiction. There might be others of minor importance, because the jurisdiction had been found to be so impracticable that it had almost fallen into desuetude. There was a jurisdiction over legacies; but few instances were found of that jurisdiction being called into action. There was a jurisdiction over matters of title, but the court was incapable of deciding on the rights of parties who had questions of title arising, so that very few suits were instituted for that purpose. One matter of jurisdiction was of very considerable importance, when we consider how much feeling had been excited on it; he meant the question of church rates. Their Lordships knew that the payment of church rates by those who were not members of the Church, had been a subject of great irritation in various parts of the country. He gave no opinion as to what ought to be the rule as to church rates. It was quite obvious that the building of churches must in some way be maintained; but their Lordships, in securing that object, would be desirous as far as possible of avoiding the irritation which proceedings in courts created. At present if a party had conscientious scruples against paying a church rate to the support of a Church of which he was not a member, the evil was very much aggravated, and his feelings were embittered, by his refusal leading to a protracted suit in the Ecclesi-

astical Court. Leaving the question of granting church rates untouched, means were suggested by the Bill now under consideration by which church rates might be collected without giving rise to that irritation. There were other matters upon which no doubt was entertained as to the propriety of abolishing the jurisdiction. The Ecclesiastical Courts exercised criminal jurisdiction in certain cases—in cases of defamation, of incest, and of quarrels, and brawling in churchyards—all which fell properly under the head of criminal jurisdiction, because it was exercised for the purpose of punishment—a punishment which was now regulated by Act of Parliament. There was no reason why these criminal offences should be taken notice of and punished by the Ecclesiastical Courts, any more than any other offences subject to the jurisdiction of criminal courts. He thought he had said enough to show that the jurisdiction exercised by the Ecclesiastical Courts was of great importance to the community; that it applied itself to matters deeply affecting the interests of the subjects of these realms—matters, which to be decided upon satisfactorily, ought to have a tribunal capable of coming to a proper conclusion. He would now call their Lordships' attention to the state of this ecclesiastical jurisdiction. It appeared from the Report of the Ecclesiastical Commission that there were no less than 386 Ecclesiastical Courts, some of them exercising jurisdiction over all ecclesiastical matters, some of them exercising jurisdiction over part, some having power to grant probates of wills, but not having power to grant administration of intestates' effects; in short, the jurisdiction was infinitely various, but every one of these courts had the power, unless limited by custom, of exercising jurisdiction over all these important matters. Now, as to the appointment of the judges of these courts. Almost all of them were appointed by individuals, many of them, he thought seventy, were attached to manors, and the judge, therefore, was appointed by the lord of the manor: so that if an unfortunate couple lived within a manor in which the lord had the franchise of holding the Ecclesiastical Court, the validity of their marriage might come to be decided by some person or other, whomsoever the lord of the manor might think proper to appoint. That, their Lordships might suppose, was an extreme case. So with regard to the property of persons who died within the jurisdiction; it was the individual who might be appointed by the lord of the manor who had to decide as to the validity of the deed, or as to the distribution of the personal estate. Some jurisdictions belonged to the archbishop, some were peculiar, some rectorial. That state of things ought not to be. Nobody had suggested, and nobody would suggest, that these 380 minor Ecclesiastical Courts ought to continue to have jurisdiction over these important interests. One great difficulty which arose from this multiplicity of courts, and which, in fact, would arise upon any number of courts, if they were to exceed the number of one, was the difficulty of ascertaining where the jurisdiction lay. That had driven almost all the business of the Ecclesiastical Courts into the Court of the Archbishop of Canterbury. It was part of the ecclesiastical law that these peculiar jurisdictions lost their jurisdiction as to matters testamentary, if the party dying had property under any other jurisdiction. The limit of that was 5*l.*; but then who was to ascertain whether he had 5*l.* anywhere else or not? To give an instance of the difficulty of ascertaining these facts. If a party died having leasehold property, the proper jurisdiction was in the place where the leaseholds were. If he had money in the funds, the proper jurisdiction was where the dividends were paid. If his property depended on judgments, the proper jurisdiction was where the judgments were entered. If part of the property depended on bonds, the proper jurisdiction was where the specialty happened to be found. If he had contract debts, the proper jurisdiction was where the debtor lived. If he died, and property was found upon him, then the jurisdiction was not where he himself was found, but where his proper domicile was. In all these cases the question arose where the will was to be proved; the result was that much more than four-fifths of the whole probate business of the country was transacted in the Prerogative Court of the Archbishop of Canterbury. If a party, not knowing whether there were *bona notabilia* in other jurisdictions, happened to administer the estate in a particular jurisdiction, the whole of the proceedings were void—not that the probate was voidable—not that something ought to be done and set right; but the whole jurisdiction was voidable from the commencement. How did that operate on the real property of the country? We knew that there was hardly an estate in which there was not a term of

years. These terms were always vested in two or three or more trustees; these trustess in process of time died. It very seldom happened that attention was paid to the death of two trustees; the consequence of which was, that when the last trustee died, the term was vested in the personal representative of the surviving trustee. Who was the personal representative of the surviving trustee? He was the party to prove the will; but if he proved the will in the wrong jurisdiction, the legal title of the estate was gone. All this would be entirely remedied if there was no doubt as to the proper jurisdiction of Ecclesiastical Courts, and if all mankind knew that by obtaining probate in particular courts, they had got a proper representative of the individual in whom the property was vested. These difficulties were so great, and the difficulty which had arisen from them had been so much felt, that parties had had recourse almost exclusively to the Prerogative Court of Canterbury. But there, though safer, they were not safe. They were safe for this reason, that a probate granted by the Prerogative Court of Canterbury was not *ipso facto* void, but voidable. If erroneously obtained it might be set aside, but was not absolutely void; and until it was set aside it was available. The Prerogative Court had no jurisdiction except in matters where an appeal lay, so that where probate was granted in the Prerogative Court of Canterbury, of a will which belonged to a peculiar from which an appeal did not lie, the Court of the Archbishop of Canterbury had no jurisdiction to grant the probate. In the state of confusion and difficulty which attended the jurisdiction of the Ecclesiastical Courts, they would not be surprised that an opinion had been expressed by all the various Commissioners by whom this matter was investigated, and a uniform report made, that these minor jurisdictions ought not to be continued. They said that in matters even of minor importance which might happen to come before these courts, there was no hope of finding a competent judge to decide in these matters. In matters of wills there was no proper place of deposit in which they could be secured. Another great difficulty arose. It was necessary to ascertain testamentary dispositions. If it were not proved in the Prerogative Courts, how were they to prove it in inferior courts? Testamentary investigation was attended with great expense. One uniform opinion had been expressed by the result of all their inquiries, that all these inferior jurisdictions ought to be abolished. In former discussions some objections were made as to the abolition of diocesan courts. It was said, that it was quite right to abolish all peculiars and all subdivisions of the Ecclesiastical Courts; but why abolish the Diocesan Courts? For the same reasons which could be urged against the small ecclesiastical jurisdictions. There was not business sufficient to supply them—there was not business sufficient to pay the judge—there was no place provided where wills could be secured. There was great danger in the absence of all these securities, which ought to exist in every case where jurisdiction was confided. In 1832, there was inquiry made into the ecclesiastical jurisdiction, and the Committee reported against the Diocesan Courts. In 1833, a Commission was appointed to inquire into real property, who concurred in the same opinion. In the same year there was a Committee of the House of Commons upon the Admiralty Courts, and they reported against the existence of the Diocesan Courts. In 1836, a Select Committee of this House made some inquiry upon the same subject, with the same result, and, in 1843, a Bill was brought into the House of Commons for the purpose of abolishing them. It was on the authority of the Ecclesiastical Commission that he stated that there was not business enough to support these courts, from whose Report it appeared that the average number of cases for each was $1\frac{1}{2}$ per annum. In the diocese of Salisbury it appeared that there was no contested suit for a number of years. In Chichester there was no suit of the kind for three years; and, it appeared that there were no proctors in the latter court—a pretty sure indication that there were no suits. He had struggled to obtain the establishment of local courts. It was said that it was inconsistent to establish them while they endeavoured to destroy the local jurisdiction of the Ecclesiastical Courts, but that depended upon what the new courts were to do. In matters where the presence of individuals was necessary, or where witnesses were to be examined, it was undoubtedly necessary to afford the means of examining them near to where the party resided, as that would save them much inconvenience and expense. A right rev. Prelate then present (the Bishop of London) could confirm his statement that parties were compelled sometimes to travel an immense distance to the Diocesan Courts.

What he proposed was, the establishment of a central court in London to which all wills should be sent. In order to relieve individuals from expense when the property was small, the suggestion was that a surrogate should be appointed in the country by the judge of the court, who should receive the will, and after taking a copy of it, transmit it with the necessary papers to London, when it was to be deposited in the court; and in London, probate should be had. The surrogate in the country should keep a copy of the will, as well as the probate, for the convenience of the public in the neighbourhood. The question whether the Courts of the Archbishop of York and of the Archbishop of Canterbury should be preserved, was debated by the Ecclesiastical Commissioners in 1832, and the conclusion at which they arrived was, that there was the same objection to the preservation of these two courts as to the more numerous jurisdictions, and they reported in favour of the abolition of the jurisdiction of the Archbishop of York. The subject came again under consideration in 1833, when a Committee of the House of Commons also recommended the abolition of this jurisdiction. In 1836, a Select Committee of their Lordships' House also agreed that the jurisdiction of the Archbishop of York should be abolished. After great deliberation, this was the decision at which three separate inquiries arrived. The result of the various inquiries to which he had referred was an opinion that there should be only one court for this important business; and as to the smaller properties under 300*l.*, that the scheme should be resorted to in the way of giving the parties the convenience of a local registry, and yet secure the benefits to the public by a general registration. There was a provision existing in respect to the deposit of wills in London from the local courts. There would thus be a means of investigating testamentary dispositions of all persons as regarded personal property. There were very few wills which referred to real property only. In such cases probate was not necessary; but if both descriptions of property were included, there would be a registration affecting the real and personal estate. This part of the case was relieved from one of the objections which had been made against the registration of deeds—namely, that by the registration of deeds, they were exposed to the inspection of any persons who would be disposed to quarrel with the title of them were any defects to be found in them. That might be said in regard to the law as it at present stood; but this Bill would secure a general registration of all wills. Then as far as the jurisdiction over wills was concerned, his proposition was, that all business of the kind should be carried on in London. If it were necessary before they paid legacies to ascertain whether the debts had been paid, the Ecclesiastical Courts had no jurisdiction. With regard to church rates, the proposition contained in the recommendation of the Committee was not to interfere with them. The proceedings in the Ecclesiastical Courts were found to be very tedious and very expensive. The proposition, then, was to put the church rates in the condition of the poor rates. It was proposed to take away the jurisdiction in all criminal matters. With respect to sequestration, when the income of the clergy was sequestrated, care would be taken to provide means out of it for the due performance of their duties, and the remainder preserved for the benefit of the creditors. This was an outline of the Bill he proposed to their Lordships, and he thought he had said enough to show that the propositions were not his own, but those of authorities which their Lordships would be disposed to respect. This was no question of one set of public men set up against another. As early as 1812, Sir William Scott brought a Bill into the House of Commons for the purpose of setting aside all minor jurisdiction. He had already referred to the Ecclesiastical Commission of 1832. Upon this Commission there were six Bishops, three Chief Justices, and four of the most eminent civilians, who all concurred in the same opinion. In 1833, when the Report of the Real Property Commission was made, his noble Friend behind him (Lord Campbell) was at the head of it, and some of the most eminent conveyancers and lawyers in the country, who also concurred in the same opinion. In 1833, he found many of the leading Members of the present Administration concurring in the Report which recommended the abolition of these minor courts; and in 1836, his noble and learned Friend on the Woolsack, and some of the right rev. Prelates, were Members of that Committee, together with nearly all the lawyers in this House, which made a similar Report. In 1843, a Bill was brought into the other House, on the back of which were the names of Sir James Graham and the Attorney General, which Bill

proposed the abolition of these courts. It might now be asked why, with all those concurrent opinions upon the subject, some measure on the subject had not long before this been passed into a law? As far as he was concerned, he was anxious to explain the circumstances under which he had brought the subject under their consideration. He had brought in a Bill in 1836, the Report upon which was referred to a Select Committee, which Committee made their Report on the 7th of August, in the same year. The difficulty in passing that measure was the proposition to abolish the Bishops' Courts; for if that had been conceded what would have become of the discipline of the clergy? In what way would the bishop have been able to arrest improper conduct in the clergy in his diocese? The remedy for that, however, ought to have come from the right reverend Bench. Unfortunately, it was not very easy to procure a general concurrence in a proper measure for this purpose. Why that concurrence was not earlier obtained it was not necessary now to inquire; but year after year passed by without any intimation that the right rev. Bench had come to any unanimous opinion on the subject. They did, however, at last agree, whether happily or not it was immaterial now to inquire. The measure, however, did not become law till 1840; and, until that period, therefore, all proceedings founded on the Report of 1836 were necessarily suspended. In 1841, he (Lord Cottenham) had a very serious illness, and on his return to the House he found matters in a state which did not promise a successful issue to any such measure. It was Easter before he returned: and if their Lordships would call to their mind the events of that time, they would find in them a sufficient justification for the course which he then adopted. In 1843, he was rejoiced to find a Bill brought in on the subject by his noble and learned Friend, and he would not inquire how it happened that that measure did not pass. It did not pass, however. In 1844, another unsuccessful attempt was made, and in the present year they had received an intimation from the Government that no intention existed on their part of legislating on the subject during the present Session. Under these circumstances, seeing no disposition on the part of the Government to proceed with any measure, he thought himself justified in taking advantage of the first opportunity which presented itself to call their attention to the subject. It was of no use to conceal the difficulties connected with it. It was supposed to interfere with private interests in certain localities, and consequently vehement opposition was to be expected; but he held it unworthy the dignity of Parliament to allow such considerations to fetter their course in applying a remedy to a universally acknowledged evil. The case would be different if a diversity of opinion prevailed; but the fact being otherwise, he trusted their Lordships would not hesitate in giving the measure their sanction from any apprehension of opposition out of doors, when they had in its favour the weight of the Report, supported by the concurrent testimony of all the eminent men who had turned their attention to the subject. The noble and learned Lord concluded by moving the second reading of the Bill.

The Question having been put,

The Bishop of *Lincoln* said, he was not about to offer any opposition to the Motion; but having been a member of that Commission to which the noble and learned Lord had referred, he felt called on to offer a few observations to their Lordships. The noble and learned Lord had rather exaggerated the inconvenience arising to the public from the wide extent of the diocese of Lincoln, when he supposed the possibility of a person being compelled to go from the Thames to the Humber; because in every archdeaconry there was an officer called a Commissary, the Chancellor, in fact, of the archdeaconry, to whom application might be made without entailing the necessity of travelling so great a distance. The question for their Lordships to consider was how the public convenience could be best promoted; and he trusted that the machinery of the present Bill would be so arranged that persons applying for probate would not be put to greater expense than under the present system. Another remark which he had to make was, that the proposal now brought forward was, in fact, a very different measure from that recommended by the Ecclesiastical Commissioners in 1832. One of their recommendations was that the provincial courts of Canterbury and York should be retained. The Court of Probate, he understood, was to be a lay court; and in one of the clauses of the Bill the power of excommunication was given to it. Did their Lordships, then, mean to vest in a lay court the power of

excommunication? Another point to which his attention had been directed was, that by this Bill all matrimonial matters were to be transferred to these courts, including cases of divorce. Now their Lordships must be aware that by members of the Church of England marriage was considered as a divine ordinance, as a civil contract under a religious sanction; and he felt confident that they would be doing great violence to the feelings of the members of that Church if they decreed that a sentence of divorce should be pronounced by a purely lay tribunal, or at all events a lay tribunal in its origin. He begged to submit whether it would not be possible to transfer such cases to the Courts of the Vicars-general, a course which they might rely on it would be much more palatable to the feelings of the people.

Lord *Brougham* said, nothing could be more candid and fair than the statement of the right rev. Prelate. Nevertheless, he thought that his objections, or he should rather say, perhaps, his doubts, would be found, on a little consideration, and on an appeal to his own candid mind, to be destitute of any real or solid foundation; and even if they should turn out to be well founded, they would be more fitly urged in Committee, applying as they did to matters of detail. His answer to his noble and learned Friend's objection, respecting the extent of the diocese of Lincoln, was successful certainly as regarded the inconvenience of distance; but it was doubtful whether the multiplication of those archidiaconal courts of registration did not constitute a far more serious evil, because in gaining the benefit of proximity they would lose the advantage of centralization, and a man must necessarily be compelled to search several registers before he could ascertain whether the testator had *bona notabilia* in that diocese. He approved of the measure, as his noble and learned Friend on the Woolsack, and the Members of the Commission on whose Report it was founded, must approve of it. The Commission was issued by his noble and learned Friend who preceded him in office; but the Report was made to him (Lord Brougham), and on that Report he framed a Bill with some few, but very few, variations. He doubted whether it did not vary from the Report to the extent to which this Bill differed; in so far as regarded the maintenance of the two archiepiscopal metropolitan jurisdictions, for he remembered having a strong prepossession against keeping up those two particular jurisdictions, and in favour of centralization. He thought it would be only doing things by halves to keep them alive. Finding that a great opposition arose, the Bill was divided into five or six, and in 1833, he believed, they were brought in with the assistance of Dr. Lushington and Sir H. Jenner, Sir J. Nichol having expressed his approbation of them. In the Session of 1832 Parliament was so engrossed with the consideration of Parliamentary Reform that nothing could be done. In 1834 the Constitution of the Government was so entirely changed by the unfortunate secession of the noble Lord opposite (Lord Stanley), and the noble Lord on the cross benches (the Duke of Richmond), and the retirement of Earl Grey, that it might be considered a new Government, and the result was, that no step was then taken in the matter. Feeling the importance of legislating on a subject on which all, without distinction of party, were agreed, he asked the noble and learned Lord who succeeded him on the Woolsack whether the Government intended to take any steps in the matter, and was informed that the Attorney General had been instructed to introduce a Bill, and the Bill was in fact brought in. He now came to the other matter touched on by the right rev. Prelate—the spiritual jurisdiction. The right rev. Prelate asked whether spiritual matters, such as excommunication and matrimony, were to be disposed of by a lay tribunal? But his knowledge immediately suggested an answer; for who could be much more a layman than Dr. Lushington? Who less a priest than Sir J. Nichol? Who more secular than Lord Stowell? And yet all these, without any exception, administered these functions of a *quasi* spiritual nature. The right rev. Prelate, therefore, found it necessary to retouch his hypothesis; a bad symptom, as the right rev. Prelate's early studies would inform him, in an argument, and he qualified his statement by saying of "lay origin." If the jurisdiction involved matters of faith and doctrine, it might be improper to entrust it to lay hands. What possible difference could it make in the nature of a judge or of the court in which he sat, that he was appointed by the Archbishop instead of the Lord Chancellor? The Lord Chancellor

was formerly said to be a spiritual person; his noble and learned Friend might hold that character, but he (Lord Brougham) was not aware of it. He was also reminded by a noble and learned Friend near him, of another high functionary, higher than the Archbishop of Canterbury, or the Lord Chancellor, whose conscience was in the keeping—the very safe keeping too, he felt assured—of his noble and learned Friend on the Woolsack. None would venture to dispute the power of that high functionary, whose character was of a mixed nature, partly spiritual and partly temporal, partly religious and partly secular, to make archbishops and bishops. A police magistrate was not a spiritual officer, yet a couple could go to Bow-street or Marlborough-street and be married on any day of the year. The present distinguished Prelates, the Archbishop of Canterbury and the Bishop of London, appointed the two Judges by whom the *quasi* spiritual power of excommunication and jurisdiction in matrimonial cases was exercised. The Bishop of London appointed the Vicar Principal, Dr. Lushington; and the Archbishop of Canterbury appointed the Dean of Arches, to whom an appeal lay from the Vicar Principal. The fact of these two Prelates appointing these judges had always been considered by lawyers, and those who had considered the Constitution of this country, as a great anomaly; and it had been heretofore so represented to those distinguished Prelates, who then expressed their willingness to surrender it to the Crown, provided that the Crown would also undertake to fill all the other appointments in the province. He was happy to find there was no opposition to the principle of the Bill; whether or no they should surrender any part of it to the objections offered, they would be better able to decide in Committee. Those objections were altogether raised by interested parties, the proctors, who were now striving to do the same by this Bill as the attorneys had done on a former occasion with respect to registration.

The Earl of *Winchilsea* said, he regarded the Bill as one of great importance; but he quite agreed with the right rev. Prelate, as marriage was considered by members of the Church of England not merely as a civil contract, but also as a divine ordinance, it would be more palatable to them if the court which had to decide on divorce retained something of its ecclesiastical character. It was quite true that divorce was now pronounced by lay judges, but they were appointed by bishops. Such was the religious feeling of the country on this subject, that he believed the late Marriage Act was very little used; and it was found that marriage, when stripped of its religious character, was not so practically binding as when sanctioned by the religious ceremonies of the Church. He entertained great doubts as to the propriety of abolishing the registration of wills in the country, in consequence of which all persons wishing to inspect them would have to come to London. The expense of this might be no objection to many parties, but he thought it would occasion much inconvenience, and create much discontent, among the poorer classes.

Lord *Campbell* said, it afforded him great satisfaction to find that the Bill would pass almost unanimously. It did not, as was supposed, at all entrench upon ecclesiastical jurisdiction; for as to marriage, though, like the noble Earl, he wished to see it observed as a religious ordinance, at present by the law of England it was undoubtedly a civil contract. When he was Chief Commissioner of the Real Property Commission, he had strongly joined in recommending such a measure, and he sincerely hoped it would be carried into effect.

The *Lord Chancellor* said, he should give the Bill his anxious support. He should act inconsistently with the course pursued by the Government, if he acted differently, because it had been correctly stated that a Bill similar in principle, and almost corresponding in detail, was brought in by the Government in the other House in 1843, and was not successful from the circumstances to which his noble and learned Friend had alluded.

Bill read 2ª.

House adjourned.

HOUSE OF COMMONS,

Monday, May 26, 1845.

MINUTES.] BILLS. *Public.*—2°. Criminal Lunatics (Ireland); Coal Trade (Port of London).

Reported.—Statute Labour (Scotland).

Private.—1°. Diss, Beccles, and Yarmouth Railway; Goole and Doncaster Railway; West London Railway.

2°. Duke of Argyll's Estate.

Reported.—Hartlepool Pier and Port; Manchester Improvement; Leicester Freemen's Allotments; North British Railway; Chelsea Improvement; Dublin and Drogheda Railmay; Yoker Road.

3°. and passed;—Whittle Dean Waterworks; Leeds and Bradford Extension Railway (Shipley to Colne).

PETITIONS PRESENTED. By Mr. Shaw, from Samuel Gordon, Esq., for summoning a Parliament to meet in Dublin.—By Mr. S. Crawford, Mr. T. Duncombe, and Mr. Williams, from several places, for Extension of the Suffrage.—By Mr. S. Crawford, from Baptists of Ballina, for the Separation of Church and State.—By Mr. Cole, Mr. G. Hamilton, and Mr. Shaw, from a great many places in Ireland, for Encouragement to Schools in connexion with Church Education Society (Ireland).—By Mr. S. Crawford, Mr. Entwisle, and Sir G. Grey, from several places, against the Grant to Maynooth College.—By Mr. Carew, from several places, for the Establishment of County Courts.—By Sir John Heathcote, and Mr. J. H. Vivian, from several places, against Parochial Settlement Bill.—By Mr. Hume, from several places in Scotland, for Alteration of Statute Labour (Scotland) Bill.

RAILWAY BILLS—ADJOURNED DEBATE.] Mr. *Stuart Wortley* moved the Order of the Day for resuming the adjourned debate on the subject of his Motion relating to railways.

The Resolution, that the following Clause be inserted in all Railway Bills passing through this House was again read, as follows :—

"And be it further Enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Acts authorised to be made from the provisions of any general Act relating to such Bills, or of any general Act relating to Railways which may hereafter pass during the present or any future Session of Parliament."

And also the following addition by Lord Howick—and which Amendment was, at the end of the Question, to add the words—

"Or, from any future revision and alteration, under the authority of Parliament, of the maximum rates of fares and charges authorised by this Act."

Mr. *Wilson Patten* was very doubtful whether the House would pass these Resolutions as they now stood. He did not deny the right of the House to make what regulations it might think fit with respect to railways; but they ought to be so framed as to meet other times, when money might not be in such plenty in the market as at present. He also doubted whether the House in all cases should interfere with the rate of charges by railways; but it ought not to pass such regulations as would operate as a discouragement to the investment of capital. He could not concur in the principle that this Resolution should be operative on every railway company. If a company which had already got its Act of Parliament should come again to the House for a branch extension or for additional powers, he would not object to have the proposed Clause made applicable to them, and of course to all new companies.

Mr. *Hawes* objected to the Resolution, on the ground that it would affect all railway companies from the first which had passed, down to the present time. He did not think that the hon. Member who moved the Resolution intended to go so far. But if it were intended to apply to all Railway Acts, past as well as future, he could not support it; but if it were so modified as to affect only future Bills, then he would not object to it.

Mr. *Francis T. Baring* understood that the proposition of the hon. Member for the West Riding of York was not intended to apply to all railway companies whatever, but was merely applicable to all Railway Bills which might come before the House hereafter. He did admit that the House never intended to give that monopoly which some companies had since enjoyed; yet he did not think that the House ought to interfere with such companies, unless they came to it for additional powers or greater extension by means of branch railways; in either of which cases he thought the House would be fully justified in bringing them within the operation of any rules which it might make with respect to railways generally. That the House had a right to adopt some general measures which would secure to the public the greatest advantages from railways, nobody would deny; and he hoped that the Government would by the next Session have prepared some measure on the subject. It ought not to be a departmental measure, but one emanating from the Government itself, and to be introduced with all its authority and influence. Most certainly it would be little to the credit of the House or the Government to leave the regulations affecting railways as they now stood.

Sir *R. Peel* said, that as he understood, the Resolution and the addition to it, involved two distinct principles. The first was, that in the case of any existing railways which should come to the House for greater extension or additional powers, the Resolution would apply; and secondly, that all future Railway Bills would be dealt with so as to have their rates of charges and accommodation to the public generally subject to any regulations which

the Legislature might think proper to make. Considering the claims of the public for the best accommodation which railway companies could give, he did think that old railways coming for additional powers or greater extension should be brought within the rule applicable to companies coming for the first time before Parliament; but except in those two cases he did not think the House should interfere with the tolls and rates of charge; and he did not understand that such was the object of the noble Lord's (Lord Howick) proposed addition. With respect to any future railway, the Legislature might say, in effect, to its promoters, "We have not time now to enter into all the details of your Bill: but we shall pass it, giving you at the same time due notice that you take it subject to any regulation which may be adopted with respect to all railways." To these two principles he did not object.

Mr. *J. Parker* was understood to say, that much time was lost in Committees in going into preliminary inquiries as to probable traffic, and other matters connected with the proposed line. He suggested that such inquiries might be made by the Board of Trade or some other body, by which a great deal of the time of hon. Members on Committees would be saved.

Mr. *Mangles* wished to impress on the House that it ought not to legislate piecemeal on a question of such importance as that connected with railways. He fully concurred with the right hon. Gentleman who had suggested that the question should be taken up by Government, and with all its weight and influence. He had always heard, and fully concurred in the statement, that one great ingredient in the prosperity of the country was the complete freedom of individual enterprise from legislative restriction or interference. To that principle he should wish to see the Legislature adhere as a general rule; but the great public interests involved in railways ought to make that species of enterprise an exception, and the Government ought to take up the question as one great whole.

Mr. *Entwisle* agreed that there should be some general rules adopted as to all future railways.

Viscount *Ebrington* considered the Motion then before the House as equivalent to adjourning the subject to a more convenient season; and on that ground he would support it.

Mr. *Stuart Wortley*, in reply, defended the principle of his Clause, and contended for the necessity of having it applied to all future Railway Bills. He begged the House to recollect, that he was not presuming to legislate on railways. All he asked was, that this Clause should be applied to each future Railway Bill, until the subject should be taken up by the Government, with the view of devising some general measure respecting them. The House would bear in mind that this was not a notion of his own. It had been recommended by the Select Committee on Railway Bills which had sat last Session.

Resolution, with the addition, agreed to.

RAILWAY BUSINESS.] Mr. *Labouchere* wished to put a question to the right hon. Gentleman opposite relative to the present state of the railway business before that House. It was matter of notoriety that the amount of railway business now before the House was quite unprecedented, and the delay which had occurred in going through it was, he believed, unexampled in any former Session. During the course of this Session there had been presented to the House no fewer than 240 railway Bills, 119 of which had received the approbation of the Board of Trade. Not many of those Bills had yet passed their third reading in that House; and these facts showed with what an immense mass of railway legislation they had to struggle. He found that in 1820, and also in 1831, under circumstances of a far less aggravated description, the House passed Resolutions enabling Committees in the ensuing Session of Parliament to receive the minutes of evidence taken before former Committees, as well as proof of the Standing Orders having been complied with. This course was adopted in order to save parties the expense and trouble of going a second time over the same ground. But they had now to deal with a case of a much more aggravated nature than at those periods; and he would suggest whether it might not at present be necessary to go even further than the House had done formerly. Many most important Railway Bills, upon which parties had expended immense sums of money, in proving their case before Committees, might

pass through their last stages in that House at so late a period of the Session, that it would be absolutely impossible for the other House to take them into consideration. He thought it was now time to consider whether means should not be taken to prevent the injury and inconvenience which such a circumstance must occasion. It appeared to him that any advice upon this most important and urgent subject ought to come alone from the Government; but at the same time he took upon himself to assure the right hon. Gentleman opposite that there existed throughout the country a very strong feeling, that whatever the Government intended to do ought to be announced without delay, and that the proceedings to be adopted ought not to be left to mere conjecture, for this amongst many other obvious reasons — that the effect of such delay must be to place one set of parties at great disadvantage, and to give to others opportunities of promoting their own individual interests, which would be alike injurious to their rivals and to the public. He wished, then, to know from the Government, whether they were prepared to recommend any specific plan or measure; and, if they were not upon the present occasion ready to answer that question, he hoped they would at all events let the House know, within no distant period, what course they intended to pursue?

Sir *G. Clerk* replied, that the subject was one of great importance; it had not escaped the attention of Her Majesty's Government, and they certainly felt a very strong anxiety to grapple with the difficulties which presented themselves on the subject of railway legislation. But it was not unimportant for him to remind the House, that to allow Bills to be taken up in the next Session at that precise point in the proceedings where they might have been dropped in the present, would be a course wholly without a precedent. A step of that kind was taken in the year 1820, when the demise of the Crown rendered the close of the Session unavoidable. In 1831 and in 1841 the Sessions of Parliament were suddenly terminated, and in consequence of that, Bills were allowed to go on from Sessionto Session; but such events constituted no precedents applicable to the present case. He was quite aware that at the present moment there was an extraordinary mass of Railway Bills before Parliament, and with all the delay that could possibly be granted, he feared that it would be impossible to get through them all during the present Session; but as to the precise course that ought to be taken for the purpose of meeting that difficulty, he was not then prepared to offer any opinion, and he could not pretend to make any suggestion on the subject till a later period of the Session. In fact, he feared that his doing so must lead to much confusion; and upon the whole he thought it best to allow parties to go on as they were now proceeding, doubting not that Parliament would grant them reasonable indulgence when the necessity for it arose. In a month or six weeks hence cases might probably arise in which it would be desirable for Parliament to take measures which it was not necessary for them to determine upon.

Lord *J. Russell* admitted that the course to which the right hon. Gentleman referred was without a precedent; at the same time, he hoped that Her Majesty's Government would not postpone for a month or six weeks making some announcement on the subject. He differed altogether from the right hon. Gentleman in thinking that any announcement of the views of the Government would be attended with the ill effects which he seemed to apprehend. If any of those Bills could be brought to maturity and passed, well and good; but suppose any parties calculated that there was not time for certain of those Bills to go through the two Houses of Parliament, if parties opposed to them were to use their best endeavours to create delay, nothing could be easier for them than to defeat those Bills, for every one knew how easily counsel could create delay when they were so instructed; but the case would be wholly different if the rights of the promoters of those Bills were reserved till the ensuing Session. Though he agreed with the right hon. Baronet that the question was one which demanded much deliberation, yet it was to be hoped that the Government would make up their minds on the subject, and announce their determination with as little delay as circumstances permitted.

Lord *G. Somerset* said, that if any arrangement on the subject were made too soon, it would rather cause delay than promote expedition.

Viscount *Howick* thought it most important that the intentions of the Government should be speedily resolved upon,

and made known forthwith. Parliament was in this difficulty—they did not know whether they were to go on or not. They all knew what counsel could effect in the way of delay, and for his part he saw no advantage in permitting delay to be practised.

Subject at an end.

Mr. O'Driscoll.] Mr. *Ross* rose to put a question to the right hon. Baronet the Secretary for Ireland, respecting the conduct of Mr. O'Driscoll, of Skibbereen. In a case which came before the petty sessions at Skibbereen, and in which Mr. O'Driscoll was interested, the informations were not granted. It was the case of a woman whose cow had been distrained for a small amount of rent, and who, having rescued the cow, was prosecuted. The information was refused; and Mr. O'Driscoll was heard to exclaim, "By God, I do not understand these popularity-hunting magistrates." He wished to know whether the Lord Chancellor of Ireland had censured or intended to censure the conduct of Mr. O'Driscoll?

Sir *T. Fremantle* said, he had seen in the public papers the statement to which the hon. Gentleman alluded; but he had no means of knowing how far the statement was correct or otherwise.

Subject at an end.

Criminal Lunatics—(Scotland).] Mr. *E. Ellice*, jun., who was but imperfectly heard in the gallery, begged to call the attention of the right hon. Baronet the Secretary for the Home Department, to the case of a man named Slyman, recently tried for murder, in Scotland, and acquitted on the ground of insanity. The man, although decidedly insane, still remained in the criminal prison, every lunatic asylum having refused to receive him. He would, with the permission of the House, read a passage from a letter which he had that day received on the subject. The extracts were as follows:—

"We held to-day our first annual meeting of the County Prison Board, and Slyman's case was discussed. It is really a case in which humanity calls loudly for relief. The man is now dangerously insane, and yet remains in the criminal prison, where the necessity of keeping him from doing mischief precludes the possibility of giving him the air and exercise necessary in his disease. The surgeon has certified that he is literally dying by inches under the restraint, and yet there is no remedy, as on one occasion when he was let out in the yard among the other prisoners he became furious, and it took the united strength of several men to secure him and convey him back to his cell."

Now, this was the case of a man who had been acquitted, and yet was allowed to die by inches under improper restraint. The question he wished to ask was, whether the case had been brought under the notice of Government, and whether any steps would be taken to send the man to an asylum, or at least to the Penitentiary at Perth?

Sir *J. Graham* said, that the case was a peculiar and a melancholy one, but he hoped the House would pause before it interfered. The hon. Member for Cupar was in error, in stating that the prisoner in question had been acquitted of the charge of murder; he was not acquitted, but the jury found that he was irresponsible from insanity. There was no question that he had committed the murder, that he was a most dangerous lunatic, and a murderer, although not responsible for his crime. By the law of Scotland he could not be removed from Scotland, and no private asylum was willing to receive him; and, further, no public asylum could be compelled to take him in. He was a prisoner rightly imprisoned, there to remain during the pleasure of the Crown, and could not be released without the greatest danger to the public. He deeply regretted that the confinement of the lunatic was inconsistent with his health, but it was no more rigorous than was absolutely necessary. The man could not be removed; neither could he be liberated: and he was bound to say, that proper care being taken that no undue severity was practised, he did not think the authorities could have taken any course other than that which had been taken. He and the Lord Advocate had paid the utmost attention to the case, and that was the conclusion they had come to.

Subject at an end.

Condition of the People.] Lord *J. Russell*: Sir, I rise to bring forward the Motion of which I have given notice, the subject of which I cannot but regard as of vast extent and of the highest possible importance. I confess that I should have despaired of being able to produce any useful effect from the course I am now taking, were it not that the question which

I am about to discuss having already occupied much of the public attention for several years past, I am enabled to look for some assistance on the part of this House towards elucidating the question, and which will likewise afford us some guide in coming to a determination upon the question. For my own part, I feel it necessary to premise, that I do not mean, by bringing the question before the House, to assert that I am competent to deal fully with so great a subject; but I do say that with reference to the greater part of the evils complained of, the Government has not brought forward any proposition during the present Session to alleviate them, nor has any hon. Member sought to remedy the defects in the people's condition by introducing any measure independent of the Government; whilst, at the same time, various different opinions prevail out of doors with respect to the steps which ought to be taken by the Legislature to improve the situation of the labouring classes. Now, I do consider it to be a matter of the highest importance that this whole subject should be brought before the House, not only with a view to adopting some ulterior measures, but also in order that we may learn from the opinions of those public men who possess weight in this House the views which they take of the various plans which have been proposed from time to time in order to benefit and permanently to elevate the condition of the poorer classes. For I must observe, that whilst I am ready to admit that some of the views which have been propounded with respect to the steps necessary to be taken to better the state of the labouring part of the community are sound and wholesome, other plans which have been proposed for the same purpose are founded on erroneous views of the legislative power, and of the mode of exerting that power for the benefit of the people; which views, if indulged in, might come before the House in a shape in which we could neither give them a negative with any satisfaction, nor an affirmative with any safety. And, first, I must beg to say a few words with respect to the form in which I have brought forward this Motion. Had I been of opinion that by bringing forward each separate proposition singly before the House, the result would have been to originate a measure adequate to the subject, I should probably have taken that course. But, according to the views which are entertained by Her Majesty's Government with respect to legislation, it appears that all measures which are destined to obtain the sanction of Parliament must originate with the Government. The right hon. Baronet and his Colleagues have taken such decided steps to discourage measures from being brought in by other hon. Members than those in immediate connexion with the Government—and both in and out of office they have so repeatedly stated that they consider the Government, and the Government alone, to be responsible for the condition of the country—that I confess I should have looked upon any endeavour on my own part to bring in a measure founded upon any one of the propositions contained in my Motion as altogether futile and abortive. It seems to me, therefore, that the only course to be taken is to propose general resolutions, combining my views of the condition of the people with my notion of the principles upon which measures of improvement should rest; and then leave it to the Government to adopt, if they should think fit, any measures founded on similar principles; or if they should not think fit to adopt such measures, to state to the House their general views of the policy which this country should follow. In my view, the Resolutions which I place before the House are closely connected together. I am of opinion that the Government, which at the present time wishes to propose measures useful to the country, tending to improve the condition of the people, should consider all the subjects which are mentioned in those Resolutions. An hon. Baronet (Sir John Walsh) addressed to me a question to-night, as if he considered the subjects were totally separate and distinct questions. I entirely differ from that view. My opinion is, generally, that you should endeavour to free trade from restrictions; that you should endeavour to relieve industry from those trammels which have been placed on it by legislation; but that in so doing, owing to the legislation of past times, and owing to the present state of the country, it will be necessary to adopt other measures accompanying those intended to remove such restrictions. It is, therefore, my opinion that the great subject of the education of the people ought to form part of the deliberations of the Government, and of the measures to be brought before this House. If any Gentleman tells me that this and other subjects, which seem the least connected with those other I have mentioned in the Resolutions, are separate and distinct from them,

I beg to tell him that I differ from him in that opinion. I think you cannot expect that any measure you may propose for the general education and instruction of the people will be effectual, unless you improve their physical condition. I do not think that men who are struggling to obtain substantial necessaries wherewith to support life, will be able or willing to make those exertions which are necessary to give an education to their children. Therefore, generally speaking, I should say that along with measures for the improvement and education of the people, if that be your object, you should endeavour to improve the physical well-being of the people. To bring these matters to detail, I hold in my hand a paper which was signed by Mr. Ashworth, in 1840, in which he gives the total amount of the earnings and expenditure of four different families, each consisting of a man, his wife, and four children. In the first family the earnings are 5*s.* 6*d.* a week. In the second family the earnings are 10*s.* a week; in the third family the earnings are 15*s.* 6*d.* a week; and in the fourth family the earnings are 26*s.* 6*d.* a week. Now, on examining the details, it will be found that, in the case of the first family, the greater part, or nearly the whole, of the small sum of 5*s.* 6*d.* a week for six persons is consumed, as might be expected, in bread and flour, oatmeal, potatoes, and milk—food necessary for the subsistence of the family. In number two, where the earnings are 10*s.*, there is an expenditure for soap and candles, for clothing, and for other articles which afford a revenue to the State. In the third family, where the earnings are 15*s.* 6*d.* a week, you find a consumption of tea and coffee; also a sum paid to a sick society, thereby showing a certain degree of prudence and foresight. And on going to the fourth family, where the earnings are 26*s.* 6*d.* a week for six persons, you find that there is a sum of 2*s.* paid for clothing, 6*d.* a week for education, 6*d.* for a sick society, and 1*s.* 4*d.* for saving. Now, these details show that it is only from these comforts of the labouring classes that you can expect both prudence and ability to enable them to follow that path which would most tend to their own happiness, and conduct to the procurement of a satisfactory education for their children. Therefore, I say at once, that if any person tells me that the subject of a tax upon corn and the sustenance of the people is entirely unconnected with the question of general instruction and education of the people, my answer is—so far from being unconnected, they cannot be separated, and that you cannot take a general and comprehensive view of the situation of the people without taking within that view both the means for their physical comforts, and the means for their moral and religious instruction. In looking at the condition of the people, I do not wish to go over the details, which must be familiar to most Members of this House, in respect to the wages upon which the great portion of the people of this country subsist. It is well known that in many agricultural counties in England wages are not more than 7*s.* or 8*s.* a week. That has been stated repeatedly; and when I have asked Gentlemen connected with those counties whether the fact was so, and that such an amount of wages alone was earned in those districts, they have answered me that such was the fact, and that such was the condition of their labourers. Now, Sir, if that is the fact, I need not say what privations it implies, what toil it signifies, and what insufficient means of providing for the comforts of the labourers this must afford. Nor need I go into details to show that the dwellings of these labourers are totally insufficient to furnish ordinary comforts; that the families are crowded together without regard to any rule of delicacy; that many members of the family are obliged to sleep in the same room; and that neither health nor comfort are consulted in the arrangements necessary to be made in order to obtain that room for which they alone can afford to pay rent. But there are general considerations which it appears to me we ought to take into our view, and which involve a retrospection for a very considerable period of time. I am now going, therefore, to trace in some degree, the alterations which have taken place in a long course of years; and in doing so I shall go back to the period of the last century before the commencement of the revolutionary wars. We had a debt at that time of some 250,000,000*l.*, having between 14,000,000*l.* and 15,000,000*l.* to pay for the interest of that debt, and also a poor-rate amounting to 2,500,000*l.*; but the practice of paying advances to labourers out of the poor rates was then unknown to the country. In the course of the wars which began in 1793, various changes took place—changes much for the worse as concerned the situation of the people—changes, the effect of which I think we are still suffering under, and which, from time to

time, have been brought under the consideration of this House. In the first place, we have an increase of our debt, making necessary a proportionate increase of our taxation. That increase of our debt was made in the most extravagant manner. Many loans were contracted in such a manner that more than 6 per cent. was paid for the interest, and that not reducible, but remaining for all future time. Sums were borrowed in 1797 in the Three per Cents., when 200*l.* stock, besides other advantages, were given to lenders of 100*l.*; so that it appears at the end of Mr. M'Culloch's statistical work, that the sum of 400,000,000*l.* was borrowed during the war, which entailed upon us an interest on the debt of more than 21,000,000*l.*, thus obliging us to pay more than 5 per cent. as interest upon that sum. When in the course of the beginning of the last century debts were contracted during war, the interest which was thus engaged to be paid at the time was afterwards reduced, so that Sir Robert Walpole, during the long peace which began in 1714, was able to reduce the interest of the debt by about half the total amount at which it stood at the end of the war. That has not been possible with any Minister of this period, in consequence of the mode in which the debt of the last war was contracted. Therefore, in considering our taxation of 50,000,000*l.* a year, we are always led to reflect that the greater part of that taxation is rendered necessary by the obligations of the public faith, and that it is out of our power to alter it. The whole difference which is possible in our expenditure between the amplest and narrowest limits of a peace establishment amounts to 3,000,000*l.* At the same time speaking upon this subject of taxation, I think it should not be left out of sight that we have been able, from time to time, to abolish many of those taxes which were laid upon the necessaries of life. The taxes upon leather, upon salt, and upon candles, have been entirely abolished. If any one would look at the complaints urged against taxation in the last century, they would see that these were taxes, which were particularly denounced, as being most injurious to the interests of the country. Still, however, we have in one way or other, whether by direct or by indirect taxation, to bear that great amount for the interest of our debt, an obligation from which we cannot escape, and from which, except in the way of the proposal made by the First Minister of the Crown this year, viz., by a commutation of those taxes which press more heavily, in preference to those which press less heavily on the industry and resources of the country, the House has no escape. Sir, there is another subject on which a very great alteration was made during the war; I allude to the subject of the currency—to that which the right hon. Baronet last year called "the fatal measure of 1797." The tendency of that measure was greatly to degrade the labourer; the tendency of it was to diminish the value of the wages of his labour. Those wages never increased in proportion to the change which took place in the value of money; at the same time, that depreciation of the general currency of the country led to effects which a depreciation always has produced—it led to an extravagant mode of living, to a sudden enjoyment of high profits, and to a neglect of frugality, prudence, and forethought, which many, both in agriculture and in trade, practise in ordinary times; and in that way it produced a lasting evil upon the country. Sir, I do not say, either, in this respect, that we can make any great change which will be beneficial to the labourer. I believe that the measure proposed by the right hon. Gentleman at the head of Her Majesty's Government in 1819, and the Bill which he proposed last year, were founded on sound principles, and without discussing (which, indeed, is unnecessary at this moment) their particular adaptation to the times at which they were brought forward, I believe it would be a great misfortune if the House should endeavour to depart materially from the principles sanctioned by those measures. At the same time, I think we must always recollect that those measures in themselves produced their evils—that they had disadvantages accompanying them—that they produced what a contraction of the currency following the measure of 1819 was sure to produce—great evils at the time, and that they have contributed, amongst other things, to the injury of the industrious classes—at least, for a considerable time. But now, Sir, I come to another subject, on which I think that Parliament may legislate; on which I think it may legislate with benefit, to overturn, as we have overturned with respect to the currency, the erroneous legislation of the war—I allude to the policy of restrictions and monopoly. If any one speaks of that policy—of the policy of monopoly and restrictions—or, as it is called by those who favour it, of "protection to native industry,"

he speaks of it as an ancient establishment—as a matter which has become interwoven with the laws of the country; and, therefore, extremely difficult to touch or deal with. But, if we go further, and look at what has actually been the case, we shall find that the chief monopolies and restrictions which now exist are monopolies and restrictions introduced by Ministers who are still living—by persons who are still in Parliament—or by persons who, though not in the direction of public affairs, still remain among us; and whom, therefore, we may consider as quite of our own time. Now, the old system of restriction and monopoly was called, particularly in the time of Adam Smith, the municipal system; and he, in speaking of the restrictions introduced by the Corn Laws, says that he believes that these restrictions in favour of monopolies, and of particular trades, were introduced by persons who were used to the narrow spirit of corporations; and that from corporations it became the practice of traders to seek protection from the Legislature. The country gentlemen, who, generally speaking, were generously disposed, and not being very well acquainted with the matter, on such partial representations of the traders were induced to adopt a policy which they at the time thought to be of some little value to the parties, though of very little advantage to themselves. Now, Adam Smith was relating what was conformable to the experience of his own time. But the experience of our own time has brought us to an entirely different state of things. With an export of manufactures, now amounting perhaps to 50,000,000*l.* sterling, our manufacturers say that if they be allowed to sell to all the markets of the whole world, it can be no use to them to restrict the introduction of foreign manufactures into this country. They have adopted generally the theory which Adam Smith and his followers have propounded, and which all Europe has adopted, namely, that restriction is a mischievous system, which favours one class in preference to another; and that it is injurious to the labouring class above all other classes in the community. Well then, Sir, if this be the case, let us look at the history of some of these restrictions. I will look to one which has relation to timber. When the war of the French Revolution began, foreign timber was all placed upon an equality. There was no advantage given to Colonial timber. In the course of the war, there were difficulties to our obtaining timber from the Baltic, and a proposition was made in favour of the importation of timber from Canada; and in 1813, that preference was carried to a very extravagant height. This is the account which Mr. M'Culloch gives of the timber trade in his Commercial Dictionary:—

"In 1809, when this system began, 428,000 tons of British shipping entered inwards from the Baltic. In 1814, the year after the 25 per cent. of additional duty had been imposed on Baltic timber, and when all the ports of that sea were open to our ships, only 242,000 tons of British shipping entered inwards, being little more than half of what it amounted to when the system began. And notwithstanding the vast increase, in the interval, of population and wealth in the countries round the Baltic, our trade with the different ports on that sea has not even now (1843) recovered from the blows inflicted on it in 1819 and 1813. It is seen from the statements previously laid before the reader, that in 1842 only 295,435 tons of British shipping left the Baltic for the United Kingdom."

Some gentlemen connected with the Baltic trade gave evidence before a Committee to this effect. They were asked—

"Has there been a great alteration in the timber trade between Memel and this country of late years?—Since the war, a great alteration; before the war we used to have 950 to 1,000 English ships in a year, and since the war we have had from 200 to 300 only.—When you talk of 900 ships, do you mean 900 ships trading between Great Britain and Memel?—Yes."

Such was the case with regard to timber. With regard to other articles, the results were of a similar character, especially with regard to the article of wool. Before the war, there was no duty upon foreign wool. In 1802, a small duty was introduced; that was a duty of somewhat less than $\frac{1}{2}d.$ a pound. In 1813 it was increased; in 1819 the duty was again raised, making it 6*d.* the pound weight. Now, that was no ancient duty; it was no ancient system; it was a plan proposed in 1819, and adopted with a view to favour the agricultural interest. Now, I beg leave, as an instance of the different views which were taken by hon. Gentlemen on this subject, at different periods, to make a comparison of what has taken place in this House recently with what took place in the year 1828. I have already mentioned that a duty of 6*d.* a pound was levied on wool in 1819. In 1825, that duty was changed, in accordance with the views of Mr. Huskisson, and was reduced to 1*d.* per pound. The utmost alarm at that time prevailed among the

agriculturists, who earnestly entreated that Parliament would impose a high duty on wool. In 1828, a petition was presented by the merchants of London against the proposed tax on foreign wool. On that petition a short discussion ensued, which I will take leave to read to the House:—

"Sir T. Lethbridge thought that the proposed tax was a necessary protection due to the agricultural interest. At present the price of British wool was ruinously low, and the only way to raise that price was by the imposition of a duty.—Lord Milton: If we were to revert to the times of poverty and barbarism, then it might be well to impose a duty upon raw commodities; but if the advance of prosperity was our object, no course could be more destructive to it.—Sir M. W. Ridley thought that whatever might be their object, barbarity or prosperity, the existing system could have only one end—the total ruin of the agriculturists.—Sir C. Burrell, after some remarks, said, he hoped the right hon. Gentleman would pause before he pushed too far his principles of free trade, which he could not but think were in some respects a curse to the country. In the House of Lords, May 5, the Duke of Richmond moved for a Committee, Lord Malmesbury said, the import of foreign wool was, for the first three months, 42,000,000; the second three months, 61,000,000; and for the last three months, 89,000,000. Now, such an advance in the import of foreign wool was truly alarming, particularly as there had been a proportionate decrease in the exports."

That high duty, however, was not enacted. Parliament resisted its introduction. A Committee was granted; and the manufacturers showed that for the benefit of the English grower it was highly desirable that foreign wool should be admitted at a low duty, as there were many articles of manufacture in which British wool could not be employed. In the close of the last year not only was the duty not increased, but, after two separate Motions of my hon. Friend the Member for Halifax (Mr. C. Wood), the whole of the duty was taken off. And what had been the effect of that course? Why, there has been a much greater consumption of wool; and thewoollen manufactures exported during the first three months of this year greatly exceeded the amount exported during the first three months of last year, and the woolgrower got a far better price than he would have done if the sixpenny duty had been continued. I mention this instance, among many that I could adduce, for the purpose of showing what were the very high duties imposed during the war, and the vain fears that were entertained as to the consequences that would follow from their remission. It also proves that these laws, called protective, "tend to impair the efficiency of labour, to restrict the free interchange of commodities, and to impose on the people unnecessary taxation." I think that that proposition cannot on general principles be disputed. I think it cannot be denied that if you oblige the people to give for the necessary articles of consumption a higher price than is proportionate to their earnings, you impair the efficiency of labour. They are then less able to buy articles of clothing and other necessaries; they are less able to educate their children and to live in comfort themselves, and, what is of greater concernment, perhaps, they are less likely to be satisfied with their condition. But why is it necessary to make such a proposition? The reason is, that a theory still remains in repute with a great body of persons having great weight with Members of the Legislature in favour of protection. They maintain that it is right to give protection to certain descriptions of industry, and that without protection certain branches of industry cannot be maintained. I do think it necessary that we should express one opinion or the other. Either let us adopt the opinion, and let us protect every interest, according to the policy of Mr. Vansittart. Let us protect all branches of industry whether manufacturers or agriculturists; or let us abandon that system as vicious and unsound. For my own part I think the system is vicious and unsound. Indeed, I should consider it almost a waste of time to enter into the subject, or to attempt to argue in support of an opinion which had been maintained by the greatest writers and speakers on the subject—by all who have investigated a question of this kind. It is, moreover, in my mind, a matter with which, as an abstract question, Parliament ought not in any way to interfere. I do not think that Parliament has a right to say to any man "You shall go to the cheapest market," or "you shall go to the dearest," but that every man should be at liberty to go to whatever market he pleases. If you have any crime or any mischief to prevent, then let the Legislature, as it ought to do, interfere. But when a hand-loom weaver makes a yard of cloth and wishes to exchange it for some other article necessary for his family, what business—viewing it as an abstract question of right—has the Legislature to say to that hand-loom weaver, "You shall not make that

exchange—you shall not go to a foreign country to make that exchange where you think you may make it best for yourself; but we will point out the person with whom you shall deal, and in what manner you may dispose of your article for the best?" But, Sir, this is not only an abstract theory which is perfectly sound in itself, but which is far more naturally obvious to the natural sense of mankind. Indeed, the right hon. Gentleman himself said on a former occasion that it was conformable to common sense; but it is a theory upon which statesmen have acted in latter times, and one upon which they have adopted their measures. In 1842 Her Majesty's Ministers proposed great alterations in the Customs' duties; they proposed alterations with regard to many articles giving a large amount of revenue, involving the interests of a great many labourers, artisans, and others; but they acted upon this theory in a totally different manner with regard to some of those persons and with regard to others. Many persons were alarmed at the great extent to which Her Majesty's Ministers carried their reductions. I myself, as a Member for the city of London, saw many persons who were in a state of panic—as that is the word used with respect to agriculturists I may use it with regard to them. The ropemakers said that ropes would be fabricated in Russia, as Russia grew the raw material. Then there were the cutters of cork, bootmakers, shoemakers, all were very much alarmed at the free trade prices which would be introduced by the right hon. Baronet (Sir Robert Peel). Now these were men who earned from a guinea to five and twenty shillings a week—who were not in a state of affluence or wealth. One of them told me, that although he was a skilled workman, and earned good wages, yet he was only enabled to have meat for dinner, himself and wife, one day in the week. Such was the sort of persons affected by the alterations introduced by the present Government. Now, I must say, that to introduce change and excite alarm among these men—even upon sound principles—is hardly fair, unless you introduce measures founded upon the same principles that shall be applicable to other classes—not making them applicable to men earning a guinea and five and twenty shillings a week, but to men who are represented by Peers of ancient descent—men of hereditary honours, of great wealth, and possessing vast power to resist your proposal. It is not just that, with regard to the first class—the labouring class—we should be called upon to be guided by the principles and authority of Adam Smith and Mr. Ricardo; while with regard to the second, the wealthy, the titled, and the powerful, we should be required to be governed by the principles of protection, and should be called upon to maintain for that class these protective laws. The right hon. Gentleman who was last year the President of the Board of Trade (Mr. Gladstone) has shown the effect of these reductions in so far as manufactures are concerned. The results shown by him on the article of straw plat are these:—The duty was 17*s.* per lb.; it was reduced in 1843 to 7*s.* 6*d.* The import of straw plat in 1840 was 13,000lbs.; in 1843-44 it was only 12,070lbs. The duty on bonnets was reduced from 18*s.* 6*d.* to 8*s.* 6*d.* In 1840, the number of bonnets imported was 2,307; in 1843-44 it only increased to 3,546. The duty on corks was 8*l.* per ton in wood, and 7*s.* per lb. corks. It was reduced to 1*l.* per ton wood, and 8*d.* per lb. corks. In 1838-40 the importation was 2,933 tons wood, and 1842-44, 2,973 tons wood, and corks, 1843-44, was 36½ tons, showing one to forty-one, or two and a half per cent., introduced in a manufactured state. The duty on cordage and cables was reduced from 10*s.* 9*d.* to 6*s.*, the quantity of cordage and cordage yarn was in the proportion of 1,032 cwts., as compared to 70,000 cwts. of the raw material. The boot and shoe trade was much alarmed, and the increase in the importation was of boots from 4,800 pairs to 12,900 pairs; and of shoes, from 1,100 pairs to 3,700 pairs; on hats the duty was reduced from 10*s.* 6*d.* to 2*s.* 6*d.*, and whilst in 1840 there were 240 imported, in 1843 there were only 191. Now these returns show how little reason there was for the alarm which existed as to the changes which then took place; they show with respect to our manufacturing industry, that we are able to stand competition with foreigners, and that our manufacturers, even in such articles, need not dread the skill or the advantages possessed by foreign manufacturers. But with respect to those articles, the reduction of duty was to a great extent. The bootmakers, the hatters, and the ropemakers were not much considered when they made their representations that they would be totally ruined, and that their manufacture would be at an end. The right principle was made to

prevail; and the duties were reduced so as to admit of competition. I say, that if these principles were right, if it were right to reduce these duties in this mode and within this compass, let us abandon the principle of protective duties altogether, and reduce them within a moderate and reasonable amount. Acting on their principles we might anticipate that Ministers, if they do not abolish protection altogether, would leave all duties upon something like the footing of the law of 1842; although, if it is to be considered a principle of that law to impose a duty of 20 per cent., I own I consider that an extravagant protection, and one which ought still to be diminished. I contend, therefore, that the principle is altogether vicious, and should be abandoned as a principle of legislation. I next come to that great question which has given rise to so much discussion throughout the country, and with respect to which an association has been formed for the purpose of procuring the abolition of all law upon the subject—I mean the question of the Corn Laws. As I have adverted historically, as regards other subjects, to the changes that have been made during and since the war, I will briefly notice what has been the policy of this country as relates to corn. There was, as Adam Smith states, and as I think very truly, a protective duty during the last century against the importation of foreign corn; but, as during that century, Great Britain was an exporting nation, the inhabitants had the advantage of the lowest price of corn, that sent abroad having been of course sold with the addition of the expenses of transport. But towards the latter end of the century, as the population increased, it was considered necessary to prohibit that exportation: it was thought fit that Parliament should pass laws to prevent the exportation of it when corn became dear. If Parliament had acted upon sounder principles, no such laws would have been adopted. When the change took place, when we became an importing instead of an exporting country, it was thought necessary to devise the Corn Laws; as our woollen and cotton manufactures were protected, it was deemed wise to give the same protection to agriculture. The protection given was upon the supposition that the price of wheat should be 48*s.* per quarter; in order to keep it at that price a high duty was laid upon all foreign corn. In 1791, another change was made, and protection was carried farther. In the course of the debates Mr. Pitt said that he thought that if the growers of corn were protected up to 52*s.* a quarter, it would be sufficient; but other opinions prevailed, and it was contended by many, and among others by Mr. Fox, that the protection ought to be carried as high as 54*s.* I think that from 50*s.* to 54*s.* per quarter the duty was only 2*s.* 6*d.*, and it was only at 50*s.* per quarter that there was a really protecting duty. Such a duty was quite different from the present system; and let us see how the change took place. During time of war, and in years of scarcity, corn rose to a very high price; but as at the same time the currency became depreciated, country gentlemen declared that 54*s.* was not a sufficient price, and they called for an increase of protection. They prevailed upon Mr. Pitt, in 1804, to increase the price at which protection should cease. In 1815, when the depreciation was carried to a great length, it was proposed that instead of 54*s.*, protection should be equal to what it had been at the commencement of the war—in fact that 80*s.* per quarter should be the price at which importation ought to commence. Though it might be necessary at the end of the war to check for a time a sudden flood of importation, yet in my opinion the introduction of that law was as fatal a measure as the Currency Act of 1797. We have been suffering ever since from the effects of that law. It was found afterwards that it was insufficient—that it did not give the farmer the price of 80*s.*, especially with the change in the currency in 1819, after which nothing like such a price was obtained. Another alteration of the law then occurred, to which it is hardly necessary that I should advert; but in 1821 a new scheme of Corn Laws was brought forward, which had the high authority of Mr. Huskisson, and was supposed to rest upon sounder principles. The proposition was that there should be a high duty when the price of corn was low, but that that duty should gradually diminish by a shilling and two shillings at a time until when corn reached 72*s.* per quarter it should be reduced to 1*s.* I think there was something plausible in that proposal; and Mr. Canning, on first introducing it, said that hitherto we had been suffering the alternations of a dearth and a deluge—that at one time corn was poured in upon us in floods, while at other times there was a great deficiency of importation. He proposed this scheme, because it gave a

high duty when corn was reasonable, and lowered the duty as corn became dear; and he supposed that the effect of it would be to give a steady price, and to consult the interests both of agriculturists and consumers. I say that this was a plausible scheme, and, for my own part, I supported the Bill, though my opinion was still rather in favour of a fixed duty. But we have had experience of its operation, and experience has shown that the scheme was founded in error. It has entirely failed in the object of giving a steady price, and it has produced the very evil Mr. Canning introduced it to remedy. Even supposing the general principle to be correct, I think the sliding scale has been completely established to be a failure. It is obvious that it has not answered the purpose of the food merchant, who expects an average profit, and that it has made the whole trade partake of the character of gambling, subjecting parties sometimes to heavy loss, while speculators have now and then gained enormous advantages by the introduction of corn at particularly favourable periods. Even within the last few years we have had experience of the manner in which corn has been introduced under the right hon. Baronet's alteration, as shown by Returns moved for by Mr. William Miles. The law as it now stands, with some of the old evils mitigated, gives results very similar to those ascertained before the year 1828. The Parliamentary Papers of former years show an immense quantity of corn introduced at particular times — namely, during the three harvest months, as compared with other parts of the year. In the first six months of 1840, 758,917 quarters were imported; while in July, August, and September the quantity was 1,587,000 quarters. In the first six months of 1841 the quantity imported, corn being then at a high price, was 275,969 quarters, while in the three months I have named, it ascended to 2,343,258 quarters. In the first six months of 1842, the quantity imported was 305,000 quarters; and in the months of July, August, and September, 2,663,160 quarters. Thus we clearly see the tendency of the law to induce speculators to wait until they can tell what is likely to be the produce of the harvest. If a great rise occurs, they make an enormous profit; if not, they keep selling their corn at such prices as they can obtain. In the last year only, the experience of the working of the law has been remarkable. Although corn was not very high, yet it was sufficiently so to have enabled persons to introduce it, had there existed a fair, intelligible, commercial law upon the subject; but in the month of February the average price was 53*s.* 5*d.* per quarter, and the quantity cleared for consumption was 2,725 quarters. In March, when the price was 56*s.* 3*d.* per quarter, the quantity cleared was 3,472 quarters. But let us go to July, when the price was 54*s.*—2*s.* less than it had been in March—and the quantity cleared was 427,623 quarters. In August the price fell to 50*s.* per quarter—6*s.* less than in March; and although in March the quantity was only 3,472 quarters, in August the quantity was 187,504 quarters. I ask, then, can that system satisfy the consumer? The consumer, when corn is at 56*s.*, 64*s.*, and 66*s.*, naturally wishes for the introduction of foreign corn, that he may buy bread for himself and his family; he does not obtain it. Why? Is not the price sufficient to induce the merchant to import it? Undoubtedly; but your law steps in and prevents his entering upon any such trade. Then, I inquire, is the law good for the farmer? Among various testimonies upon this point, I have one which I may quote; it is that of Mr. Tuffnell, an assistant Poor Law Commissioner for Kent, who was so at the time when the bad harvest began in 1838, and when, of course, it was most desirable that foreign corn should be introduced. He says—

"This distress has been lately further aggravated by the high price of corn, which presses severely on the labourer. As Kent may be called a corn country, I rather anticipated that the dearness of this article could not have materially injured the labourer, since it might have benefited the employer to such an extent as to raise his wages; and had the high price taken place soon after harvest it might; but the dearness chiefly arose after winter, and has been increasing all through the summer, whereas the farmers usually sell all their corn in autumn or winter, and the high price which comes subsequently is of no use to them whatever. I have rarely met with a farmer who has any corn to sell in the summer. I am informed at this season it is mostly in the hands of speculators and cornfactors, who alone profit from the high price, which is, consequently, as much complained of by the farmer as by any other class."

It is evident, therefore, that the farmer, who has sold his corn, is obliged to pay the high price given by other consumers, and suffers all the evils of the law without being able to gain any profit from the artificial elevation it occasions. I say, then,

that in this respect, the law is bad, both for the producer and the consumer, and that it is contrary to all sound commercial principles. This brings me to another question, which I must put to the House, and it is this—does not the supposition that the farmer has protection, by which foreign corn is to be kept out, tend to check improvements in agriculture, and to make him careless as to the system of cultivation he pursues. I say that is the consequence with regard to all other articles with respect to which protection has been given; that when you gave protection to the silk manufacture, you found your silk manufacturers continually distressed, and using machinery a century and a half old, and not equal to the improvements of modern times. I say the same thing must happen, and does happen, with respect to the farmer; that while you do not really give him the protection, yet the very prospect that you hold out to him, the very assurance you give him, tends to make his farming slovenly. Now, I have in my hand the evidence of a gentleman who brought forward a Motion in this House in 1830, with respect to the distress then prevailing in the country, and who has been since a country gentleman, and speaks to his knowledge of the state of agriculture —Mr. Davenport. Mr. Davenport says, that he has taken great pains to improve his land, and he gives instances in which he has succeeded so well that he has raised land which gave him little more than 500*l.* a year to give him more than 800*l.* His testimony as to the state of agriculture is—

"But a great part of England has been consigned from time immemorial to the weeds and waters, and the leases or agreements under which it is held may be regarded simply as so many bolts and bars against the robbery and murder which used constantly, and are still at times, inflicted on the land by tenants without capital, and who, to use their own phrase, must nevertheless try to make a living out of it.'"

He goes on to complain further of the mode in which farmers treat the land, and he is rather angry with the orators of the Anti-Corn Law League, who spoke of the absurd terms contained in some landlords' leases. He observes—

"The ridicule, therefore, which some orators indulge in, on the subject of ancient leases, is merely a proof of their own deficient information; for where the generality of farmers are poor, ignorant, prejudiced, and unscrupulous, the landlord has often no choice but to take such as offer, and to secure his estate as well as he can against the beggary entailed by a bad system. Farmers of this sort are, in fact, mere labourers, living and toiling as such; and so long as a large proportion of the country is in their hands, its powers are locked up as regards the supply of our existing and constantly increasing population. To give leases to men of straw would be ruinous to the granter."

Elsewhere he tells us that there can be no doubt that dairy and grass farms are managed in such a way as to keep all in comparative poverty. This, however, is not the only witness upon the point: the society to which the right hon. Gentlemen opposite belong, "for the improvement of agriculture," in its very constitution, and in its papers, establishes that farming is not in that state of comparative perfection that our manufactures have reached—that state in which skill and intelligence are displayed on the face of the land, augmenting its production and its productive powers. When we find that such has been the case with other branches under this boasted system of protection, can we doubt that in agriculture similar results have been brought about by similar causes? Can we doubt that if wholesome competition were allowed—if the cultivators of foreign countries were allowed to send their corn to be consumed by the people of this, we should soon witness great improvements in agriculture? I contend that the present time is more peculiarly favourable to a change, because, not many years ago we passed a measure for the commutation of tithes. Formerly, if improvements in agriculture increased, the produce of the soil 100 quarters, ten of those quarters were taken in the shape of tithes. That operated as a bar to improvement; but now, before many years have elapsed, arrangements will be completed by which a certain amount will be given to the tithe owner, and everything beyond the result of capital, industry, and skill, will be for the profit and advantage of the cultivator of the soil. My third Resolution is this—

"That the present Corn Law tends to check improvements in agriculture, produces uncertainty in all farming speculations, and holds out to the owners and occupiers of land prospects of special advantage which it fails to secure."

It is, I think, sufficiently obvious from the complaints we have heard this year, that the owners and occupiers of land are not satisfied with their present situation. They have protection to the extent of

more than 40 per cent., upon the common food of the people, and yet they are in a state of difficulty. If that be the case, is it not a conclusive proof that the special advantages promised to them have not been realized? I believe that many of those who came to the right hon. Baronet at the beginning of the year, told him that they were unable to employ the number of labourers they had formerly engaged, owing to diminished means and diminished profits during the last two years. Can we wonder, then, at the many unemployed labourers we find in nearly every part of the kingdom? At the same time I must anticipate that, if the system of protection were abandoned, and if the owners and occupiers of land were to adopt the improvements in agriculture which science and knowledge would introduce, they could both employ more labourers, and derive more profit. They will enjoy the advantage of living in a rich country, where commerce and manufactures are flourishing, where those who are the best customers for articles of food are close at hand. Your system is doubly injurious: first, it obliges the artisan and labourer to give an increased price for food; and, secondly, it prevents the artisan from sending his manufactures abroad, and thereby increasing the general profits of trade, and the revenues of the State. However, it is said, that if any alteration be made in the Corn Laws, so as to make food cheap, the effect will be to reduce wages. I think, taking this point in any way—taking the facts for granted, the argument thus used is far from conclusive. If wages were reduced in their money amount, it cannot be supposed that the real and actual wages of labour would be lowered; and if they were not lowered there would remain an overplus, and a greater stock for the employment of labour than at present. But if we suppose wages to continue the same, the labourers' situation will be directly improved, as he will have a greater command of the necessaries and comforts of life. In any point of view, there is still this advantage, to which I have just alluded, that there would be a greater demand for labour—a greater demand for that article in which the labourer alone deals, and in disposing of which he must be a gainer. What said the late President of the Board of Trade, when discussing the question of cattle?—

"If 50,000 head of cattle are introduced, it will be a great benefit, because an equivalent amount of manufactures must be exported."

The calculation of the right hon. Gentleman was erroneous, but in principle he was sound: if, instead of 50,000 head of cattle, we put a million of quarters of corn, the result is equally to the advantage of this country. But I have taken the fact as represented, and the position that wages generally follow the price of food, I believe to be entirely erroneous. Looking at other countries we do not find such to have been the fact. We do not find that where corn is high, wages are high, or where corn is low, wages are low. There is, among other evidence on this subject, a pamphlet written by a Mr. Dent, who states his experience, along with a great deal of theory which I think erroneous, because his remedies are (as I think) against all sound principles; but he gives a table, in which he shows, according to his experience, the amount of wages paid in every year from the commencement of the war, from 1792 down to the present time; and he proves, that when corn became high, the proportionate increase of wages was very small; whereas, when corn fell the wages scarcely fell, and the real wages to the labourer were much higher than they had been at other times. I have his statement here. He supposes that a labourer ought to have six pecks of wheat a week; that is very much according to the statement of Mr. Malthus, who says, he believes that in the middle of the last century, from 1733 to about the year 1770, the wages enabled the labourer to command about a peck of wheat a day, or six pecks a week. This gentleman, then, supposes that that would be the amount which the labourer ought to receive; and he says, that in 1792, when wheat was 42*s.* 3*d.* a quarter, the wages paid to the labourer were 8*s.* 6*d.*; in 1795, when the price of wheat was 82*s.*, the average wages were 8*s.* 6*d.*; so that in the first case he was able to command the six pecks; in the latter he was 7*s.* under the six pecks. In 1801 the price of wheat rose to 118*s.* 3*d.* a quarter; but did the wages rise in the proportion of 42*s.* 2*d.* to 118*s* 3*d.*? Very far from it; the wages only rose from 8*s.* 6*d.* to 10*s.* In 1803, again, the price of corn was 53*s.* 6*d.* a quarter, and the wages were 9*s.* 6*d.*, only 6*d.* less than they had been in the very high time. And so again in late years; in 1834, the quarter of wheat was 46*s.* 2*d.*, and the wages 8*s.* a week; in 1835, the quarter of wheat was 39*s.* 4*d.*,

and the wages were 8*s.*; in 1840, the price of wheat was 66*s.* 4*d.*, and the wages were only 10*s.*; and in 1841, they were 10*s.*, while the price of the six pecks was 12*s.*; and in the former instance his wages just enabled him to gain the six pecks a week. Now, Sir, if that account by Mr. Dent is anything like a true statement of wages, I believe it will be found, with regard to the agricultural districts at least, that while to a certain degree wages have undoubtedly risen with a high price of corn, and fallen with a low price, yet the labourer, in fact, has always been a loser by the high price of corn, and always a gainer by the low price. Why, then, if that is the fact, how vain are the alarms which have been held out to frighten the artisans and labourers of this country with the notion that if there were a diminution in the price of corn they would thereby suffer in their wages! But let us consider what would probably be the fact with regard to the introduction of foreign corn. My belief is, that the introduction of it, to any considerable extent, would lead to such an increase in our manufactures, that although at first the price of corn would be very low, and though it would not rise at all to the extravagant height at which we have seen it in 1840, 1841, and 1842, yet there would be a steady, fair, average price, which would be quite sufficient for the remuneration of the farmer. Sir, if this be the state of your law with respect to corn—if it injures all classes of the community—if it deprives the consumer of the bread which he ought to have—if it disappoints the farmer in the prospect of what he shall receive—if it leads to a slovenly cultivation, so that the landlord is in the end a loser—and if, finally, it obliges the labourer to pay for his bread an increased sum, which he does not recover by the increase of his wages—I ask, then, what system should you adopt in its place? There have been various propositions made, and they have been brought before this House at different times. I have said already, that in bringing forward these Resolutions my object is rather to propose to the Government that they should not leave the Corn Law in the state in which it is at present, than to make any proposition of my own. If I had a proposition to make, it would not be the proposition of 1841, but at the same time, it would be a proposition for a fixed duty. My opinion is, that you could not fairly and reasonably now, after all the discussion that has taken place, propose the 8*s.* duty which was proposed in 1841. [Sir *James Graham:* How much, then?] The right hon. Gentleman asks me how much. I do not know why there should be any great mystery about that. The duty of 8*s.*, I say, would be more than I should propose; no one, I suppose, would propose any duty that would be less than 4*s.*; and 4*s.*, 5*s.*, or 6*s.*, if I had a proposition to make, would be the duty that I should propose. The other propositions that are made are, in the first place, to have an entire remission of all duty at once—an immediate and entire abolition. Another proposition that has been made is, that there should be a vanishing scale of duties—say a duty of 10*s.* or 8*s.*—that would go down 1*s.* every year till it became a duty of 1*s.* or of 6*d.* Now, the Handloom Commissioners, at the head of whom were Mr. Jones Loyd and Mr. Senior, considered very much this question of the corn duties. They gave all the reasons against the present Corn Law; they obtained evidence as to the feelings and opinions of the manufacturing classes and the artisans who are engaged in handloom weaving with respect to the injurious effect of this law. They said that they thought the best way of altering them would be by a vanishing scale; but that another way would be by the proposal of a small fixed duty, and they mentioned 5*s.* as a duty which might be proposed. In comparing these two propositions my own opinion is, that a small fixed duty would be the preferable proposal of the two, because the vanishing scale has the disadvantage of entailing a change every year. Under the vanishing scale there would be every year a change in the amount of duty. However, if I were asked whether I think that it is desirable to have any duty on corn at all, I should say as an abstract question, that it is certainly not desirable to have any duty, and that corn is one of the worst articles you could tax; but in making changes in commercial policy, I know the evil produced by sudden alterations. But it is said that if this is an evil, why not at once abolish it? Why, the same argument might be used with respect to a person who had been for many years, until he reached 60 or 70 years of age, in the habit of indulging in stimulating diet and intoxicating drinks. No one could say that that is a wholesome mode of living; and everybody would say that if that person had abstained from intemperance he would have been a much stronger

man; but I believe that a skilful physician would hardly advise an immediate return, even to wholesome diet, in the case of a person who had been long indulging in such injurious habits. That there may hereafter come a time when the state of the population, the manufacturers, and the commerce of this country, may require a total abrogation of all duty on corn, I will not deny—but, I should say, having regard to existing circumstances, that what would give the greatest relief, and inflict the smallest amount of evil, would be the change which I propose. This, therefore, brings me to the Resolution—

"That this House will take the said laws into consideration, with a view to such cautious and deliberate arrangements as may be most beneficial to all classes of Her Majesty's subjects."

In those terms, I do but agree with the terms used by all others on this subject—by Adam Smith, by Malthus, and by Ricardo, even when they propose the greatest freedom of industry. But I now come to another subject—to a subject upon which likewise I must call the attention of the House, to the changes that were made during the late revolutionary war—I mean the changes in the Poor Laws. Before that war, the system of making allowances, and giving relief to labourers who were employed, was, I believe, totally unknown; but as that war went on, and as the price of corn rose to be very high, it was thought a better method to give those allowances to every labourer according to his family, than to increase the wages. I believe almost every one is now convinced that such a measure was most injurious; its obvious tendency was to increase the number of labourers without a corresponding demand—to increase the number of marriages, and thereby to injure the labourers by bringing into the market more than could obtain a fair remuneration. In 1834, that system was altered. It has been said that the alteration was injurious to the labourers. My belief, Sir, is, that if the former system had gone on, the labourers of England would have been now in a most wretched and miserable condition; that with their increased numbers wages would have diminished, and that the allowance of the poor rate—the forced and compulsory charity of the poor rate—would have been measured in such a manner as to provide them only with the barest means of subsistence. That change has been introduced. There has been, at various times, a suggestion that somebody had proposed that the poor who received relief from the poor rate should be made to adopt coarser diet, and be otherwise worse kept than they had been. With reference to that question, I believe the right hon. Gentleman opposite stated that he knew nothing. I am sure I know nothing of it, and I do not believe that it ever came before those who had the amendment of the Poor Law under their consideration. From what came under my consideration, I thought that what had before been given in the injurious shape of compulsory charity, would be given in the wholsome shape of wages; that instead of a man receiving an allowance from the poor rate every week from his parish, and giving in return scarcely any labour; and that labour not much in point of time, and almost nothing in point of value, that the system would be exchanged for wholesome labour under the superintendence of an employer. I have here a report made by the same gentleman to whom I have alluded with regard to the Corn Laws—Mr. Tuffnell—showing the change made by the Poor Law in Kent and Sussex with regard to wages. He refers to a labourer in the Battle Union:—

"According to your wish, I have referred to my labour account. The amount paid is as under—average two years before the Union, 695*l.*; average two years since the Union, 810*l.* These sums of money have been expended on 600 acres of land. It appears by the above sums I have increased my expenditure for labour 115*l.* per annum. The amount of poor rate I paid before the Union was 198*l.*; since the Union, 86*l.*; leaving a balance of 112*l.* in favour of the Union. It appears by the above sums I have expended 3*l.* more in labour than I have saved by the poor's rate."

This, be it observed, is not from any change in the price of corn, but from a wish to employ more labour. In a letter from a large employer near Canterbury, he says it is an undisputed fact, that the farmer does not put the amount saved by the Poor Law into his pocket, but employs it all in labour. He says—

"It is an undisputed fact that considerable savings have been effected by the improved administration of the Poor Laws, and that the farmer does not put the amount so saved into his pocket, but expends the whole in giving additional employ to the labourers in the neighbourhood. I have increased my own daily labour from 150*l.* to 200*l.* a year since the Poor Law Amendment Act came into operation, without adding to the number of my acres."

That was the effect to which I looked as the wholesome effect of the alteration of the Poor Law. I looked to an alteration which should measure the wages of the labourer by the proper demand for his labour; which should place him under an employer, and change the sums he received from the vicious nature of allowances from the poor rate, to the healthy and regular form of wages for labour. Why, Sir, I submit, if this was the effect of the Poor Law, to represent it as injurious to the labourer is the greatest possible misrepresentation. As no mode could be found more beneficial in elevating the character of the labourer, that change took place. But, Sir, at the same time, it is to be considered that the law which formerly prevailed must leave many and very injurious traces. We are now little more than ten years from the time when that amended law came into operation. The children who had then been born under the old and vicious administration—and allowances were made according to the number of children in the family—are now become young men, and are looking for employment for their labour. Unfortunately, they find that the artificial increase made by the law of the number of labourers, has not brought with it a corresponding increase in the demand. There is, therefore, in many of the southern counties at this moment, under the improved administration of the Poor Law, a number of labourers who, during the winter months, cannot find employment. Then, I say, it is not sufficient to have altered your Poor Law—it is not sufficient to stand steadily, as the present Government proposed to do, by that law—but we must consider salutary and relieving measures, by which we can remedy the disorder thus created by the faulty administration of the old Poor Law. The right hon. Gentleman the Secretary of State for the Home Department has undertaken to introduce a measure which, I suppose, is calculated in some respects for this purpose; because, at least last year, and I believe this year, he stated it was a great hardship for labourers that they could not transfer their labour from places where it was not wanted, to other places where it would find a ready demand, and that the law of settlement in that respect had operated injuriously. But, Sir, the right hon. Gentleman has not persisted (or I should hardly have proposed this Resolution) in the proposal which he made last year, that five years of industrious employment should give a settlement. Now, it seems to me that that is the principle by which an amendment can be made in the situation of labourers who have thus grown up in agricultural parishes. I will not say "alone," but that is a measure by which mainly the condition of such labourers can be improved. The people in agricultural parishes reckon upon a demand in manufacturing towns, and when they have gone there, and for ten or twelve years have been employed, and have added to the wealth and importance of such towns, if there should come a period of distress, the right hon. Gentleman would propose that they should be sent back to the place of their right settlement, to the place of their birth. That does not appear to me to be equitable or useful. I think there may be some change proposed by which they shall obtain a settlement in the towns where they have been industriously employed, and to whose wealth they have contributed. [Colonel *Wood:* Hear, hear.] The hon. Member for Brecon, who cheers me, introduced a law to this effect some years ago. He proposed that one year should give a settlement. I should hesitate to adopt so short a period; but I think something like this scale should be introduced. Take the plan of the right hon. Gentleman of five years' industrious occupation, and give a settlement for those five years; but with regard to lesser periods, three, two, and even one year, give a temporary settlement. If, therefore, these people are in a state of distress, owing to a sudden want of employment, at the end of eighteen months, a year, or six months, or whatever periods you might provide for affording them relief, they might again obtain the employment which they had been accustomed to. But it would be a great hardship, after a man had been employed for many years as an artisan, to send him back to an agricultural parish at some distance, to which his labour is unsuited, to which he becomes a mere burden, and in which he falls into the state of a pauper. Had he found the means to support himself for a time, he might have resumed the occupation to which he had been for years accustomed; but when once you send him back, and he becomes a pauper, his industrious habits are changed, and it is doubtful if ever he becomes a useful man again. The right hon. Gentleman, I know, found great obstacles in his proposed alterations of the law. The towns in general objected to this increase of the poor rate, and

it is for this purpose that I have combined this proposal, in looking at the alterations to be made in the laws, with a proposal of an alteration in the Corn Law. I think that if, on the one hand, you enable the inhabitants of the towns, the manufacturing and mercantile interests, to have a regular and commercial supply of the articles of food and provision, that it would be fair, on the other hand, that you should expect them to bear this burden, which, as I think, fairly and equitably belongs to them. By making it an insulated proposition the right hon. Gentleman failed, and I do not believe that he proposes it at the present day. I come, Sir, next to the proposition—

"That a systematic plan of colonization would partially relieve those districts of the Country where the deficiency of employment has been most injurious to the Labourers in Husbandry."

Now, Sir, I have stated that Resolution very cautiously, because I do not wish it to be implied that a very great scheme of colonization could be adopted by this country. The cost would be so large, that I doubt whether any Government could propose it. At the same time it must be considered that in many agricultural districts they have, without any aid from the Government, but by means partly of voluntary subscription and partly by the poor rates, assisted labourers to emigrate, and thereby done great good to those who have been the emigrants as well as to those who have remained behind. A gentleman—and here I would say do not let it be supposed that I wish to bring any system of compulsory emigration into any scheme of which I may be the author or supporter—a gentleman who was a Member of this House for many years, Mr. Hodges, the late Member for Kent, and who is favourable to plans of emigration, told me that his opinions being known, a person came down to him who was an agent for emigration to Australia, and another who proposed to take emigrants to Canada, and he allowed them to make their propositions, in consequence of which many of his best labourers agreed to emigrate to our Colonies. The agent expressed his surprise at his readiness to part with some of his best labourers; but he said it was for the advantage of all parties, that they would do very well as colonial emigrants; they would be useful men in the Colonies, but he should find those labourers who were left behind, and who were comparatively of little use, become skilful and good labourers; and he would therefore be benefited as much as the Colonies by the change. I asked him to inquire in his own parish and others around him as to the accounts received from the emigrants, and he sent me a number of questions and the answers to them, with which I will not trouble the House in detail, but they show that the parishes had to a considerable degree benefited, and the labourers who emigrated had scarcely in any one instance returned; but on the contrary they had written to their friends and relations that they were perfectly satisfied in the Colonies to which they had gone. Some observations which had been made on the subject of the emigration of labourers are, I think, calculated to have an injurious effect upon the labourers themselves. What is the account which we read in one of the last Reports of the Commissioners of Colonization? We read there that the emigrants to Canada during the last year have been doing remarkably well; and they refer us to a table of wages, by which I see that in East Canada the wages of the farm labourer are 2*s.* 6*d.* a day, and in West Canada 3*s.* a day. Now, when the position of labourers can be so much improved by that change, and when they can go to a country where they find people speaking their own language and having their own habits, I must confess I think it for the benefit of all parties in some districts that emigration should take place. But there are two things in any plan of emigration which may be offered by the Government, which should be taken care of. One, is, not to send parties out as emigrants who are unfit for the hard labour and privation which persons going to the Colonies have to endure. It would be an act of deception if the Government, were to give persons any encouragement to go out who were not fit for the labour which is undergone in this country by the farm labourers. And, in the next place, I think if the Government take any measure upon the subject of emigration, it should not be a sort of indiscriminate emigration, carried on by a number of persons meeting together who never have known each other before, and who go to some distant country without any connexion or association. I think, if possible, they should be persons from certain districts, who are known to one another, and that some one should go with them who can take the command—who can lead them in those Colonial establishments

which they may have to make. And I do not see any difficulty in such a scheme. You give officers in the army and navy on halfpay some benefits in the purchase of Crown lands, as inducements to emigration; why not, with such persons, send out fifty or a hundred of these emigrant labourers, and thereby make the foundation of a small district establishment, in which persons may live happily together, and continue the practice of the old customs and habits they take from this country? In such a transaction, all parties would be gainers; for they would become the consumers of our products at home, and while you are sending to Canada the manufactures of this country, they can be sending to you food which they have raised by their labour. Sir, I next come to that most important question, the question of education; and having treated of subjects that are more akin to each other, I will not enter at length into a subject which has so many and such vast objects of interest connected with it. This I think, however, is to be remarked that there have been of late years very great advances in the education of the people. A few years ago we heard of the numbers who were educated; but a cautious investigation and examination into the nature of that education showed that, in fact, it was little more than nominal, and that we did not give to the people the instruction they required, the useful, moral, and religious training which could enable them to conduct themselves as good members of society. Sir, the latest account that I have seen of the state of education is contained in a Report of the British and Foreign School Society adverting to the gaol returns of this country; and when I read it, I think you will say, that although much has been done and much is doing, we have still a great duty to perform in respect to the education of the people. The statement is:—

"Those incessant witnesses against ignorance and neglect—the gaol returns of the kingdom—have again borne fearful testimony to the extent of moral darkness which still broods over large portions of the population. Of the criminals of Berkshire, one third have been again found unable to read; in Cambridgeshire and Staffordshire one half were in this condition; in Denbighshire, two-thirds; in Devon, out of seventy-one offenders under sixteen years of age, only four could read well; in Essex, one half were in total ignorance, while of 212 convicted prisoners, forty-eight had never been at school at all, forty had been there less than one month, forty-five less than two months, forty-three less than four months, and only thirty-six above six months; in Hereford, out of 385 prisoners, only one could read well."

Now, Sir, these are statements with regard to reading; but it may be said that although these prisoners are unable to read, yet religious instruction has been given to them. They have received, it may be said, such an education, such oral communications from the clergymen, from other ministers of the Gospel, and others, their friends and neighbours, that they cannot be said to be in a state of ignorance of their duties. And I must confess I could understand that there may be a people among whom this education in reading and writing is not prevalent—at least in former times there might have been—and yet such pains were taken to teach them such religious and moral instruction as they ought to learn, that they were far from being uninstructed persons. But listen to what was the case in Sussex:—

"In Sussex, out of 877 prisoners, 141 did not know the Saviour's name, 498 just knew his name and no more, 179 had a confused acquaintance with his history, and only six per cent. of the whole number had any reasonable knowledge of the Christian faith. Some said they had occasionally been in a place of worship; but that when they did attend, all was darkness and confusion to their minds—so that they gave it up; and the downward steps of their career speedily succeeded — all were strangers to any pleasures but those of gross sensuality—all had been left a defenceless prey to the many temptations of a precarious life."

Now, Sir, I do say when you take measures to promote the physical well-being of the people—when you take measures to remove any restrictions that may stand in the way of their procuring any articles necessary for their food and their clothing, do not shut your eyes to this gross state of ignorance. Do not forget that, while in this month of May, there are excellent and pious men meeting almost day by day to consider what sums they shall give to distribute in China, or the South Sea Islands, or in Africa, for the promotion of the Christian faith, do not forget that you have close at hand, in the county of Sussex, and in almost every other county of England and Wales, numbers of persons who become inmates of your gaols, and fall under the lash of your criminal laws, being totally ignorant of every duty which a Christian should perform. Sir, I cannot entertain a

doubt that the House would wish that measures should be taken to remedy this gross ignorance. I cannot entertain a doubt that the present Government would like to see measures adopted, provided they could correct this lamentable evil. We are met by the observation that there are religious sects prevailing In this country, and that there is amongst them so much jealousy of interference with religious education that you cannot, consistently with religious liberty and the rights of conscience, establish any general system of education. But this you can do; you can make grants to those who apply for them, and you can assist and promote the education which is given. One plan would be to devote a sum of money to pupil teachers in the various schools throughout the country, by which they might learn of the schoolmasters to undertake the management of schools; there might also be a greater number of training schools supported by the Government. Another plan would be to add more comfort to the situation of schoolmasters by giving them small pensions and gratuities; for let me call the attention of the House for a moment to the present situation of schoolmasters. It is a most useful occupation—it is upon them we depend very much for imparting religious as well as secular knowledge to the great mass of the people of this country; and yet their remuneration is mean and insufficient. The honour attached to the situation is so little adequate to the wishes of any man of education, that on an average no person remains a schoolmaster for a longer period than ten years. I think we may take ten years as the average. I have understood that to be the case with regard to schoolmasters belonging to the national schools. I have frequently asked the secretary, and other persons connected with the British and Foreign School Society, of which I am a member, and they say—

"We have many clever young men educated in our school, who are competent to teach. They go from us to take charge of schools, but we repeatedly find, because they are competent and capable of earning a better livelihood, they are tempted away to other more profitable pursuits—to more lucrative employments—and leave to men of inferior capacity the charge of their schools."

This, I say, is a national misfortune. Important as those occupations may be—that of a clerk in a mercantile house, or being employed in a situation of confidence by a manufacturer—still there is no situation that can be more important than that of having to train and instruct the youth of this country; and everybody must know who has attended to the subject that as is the schoolmaster so is the school—that you may have a schoolmaster who will teach by rote certain words in portions of the Bible and Church Catechism, but who will not communicate any feeling to the heart, in accordance with the precepts of the Holy Book which he has been teaching. Therefore it is your duty (speaking to Her Majesty's Ministers,) and I am sure the House will second your endeavour, to impart education to the people of this country; and it can be done without any violation of conscience. To impose a compulsory rate, to ask all children to go to the same school, would be impracticable; but to assist the schools that are founded, both by persons belonging to the Church and Dissenters, that is a mode in which you may effect the object without being met by those objections, and in which you can provide with safety. Now I understand with regard to the Church schools—with regard to the national schools—alone, if the Commissioners were to give all that would be required, they would have to give 130,000*l.* in the present year, implying a total expenditure of more than 400,000*l.* in the erection of schools alone. If this is the case—and there are other subjects to be provided for—I say the grant you propose in insufficient. I should say, without adopting any law for compulsory education which would raise up a host of objections—and probably very sound objections too—you can proceed safely in that course, and ask for a grant of 150,000*l.* in the present year to improve the education of the people of England and Wales. The greater part of that sum would probably go to the National School Society; some part of it would be applied to the improvement of the school rooms, and another portion might, I think, be combined with school endowments in various parts of the country. There are, in many districts of the country, schools possessing small endowments, which are not applicable to any good purpose. If they go to the Court of Chancery, as has been truly said, the whole sum would be absorbed; but these schools might easily be placed under the control of the Committee of Council on Education, and thus large sums which have not hitherto been well applied, might be usefully and properly appropriated to furthering the extension of education.

These are the Resolutions that I propose—

"That the improvements made of late years in the education of the people, as well as its more general diffusion, have been seen with satisfaction by this House.

"That this House will be ready to give its support to measures founded on liberal and comprehensive principles, which may be conducive to the further extension of religious and moral instruction."

I mean by those words, that you should not refuse it to any who propose to give education in populous districts, when they may not have the means of accomplishing it. That it should not be objected to a school, that the greater part of the children are Roman Catholics, and must therefore read the Bible according to the Roman Catholic version; that you should make no sectarian objections of that description; but that the aid, as given by the State, should not be on the principle of exclusive support of the Established Church, but on the lay principle of educating equally all the inhabitants of this country. Sir, I have given —very imperfectly, I am sure—an outline of those measures which I think ought to be introduced for the purpose of improving the condition of the people. I have at least this satisfaction, that I have brought them forward at a time when passion cannot be mixed up in their discussion—when there is that state of peace—that improvement of trade—that general political tranquillity, and obedience to the law, that it cannot be said these measures are introduced to meet any cry or clamour; or that they are intended to further any political or party object. It appears to me that you ought to take the advantage of such a period to propose those measures that you think will be beneficial to the great masses of the people. I have given, according to such lights as I possess, a view of what I think should be your course of policy. If you think another course of policy should be adopted—that you should not adopt at once a system of free trade—or that you should carry further the principle of protection, I think in that case this House should adopt such measures as it may consider necessary. I think in any case, unless you are of opinion that your present system is the most wholesome and best adapted for the welfare of the people, you should not wait till the time of distress and clamour should arise. If you do so, I know not what measures you may adopt; but they will be measures, probably, tinctured with that heat and violence which such times are sure to produce. And let me say to those who represent the landed interest in this House, that it would be most favourable to them to have any settlement of those questions in which agriculture is concerned when there is not that great pressure which a time of distress is sure to cause. If we go on till the time comes—with our increasing population—with a population increasing at the rate of 200,000 or 250,000 every year—and it is found in some year that your supply of food is totally insufficient for that population—when the cry of hunger comes up to these walls—will it then, I ask, be the time for those who have maintained that a Parliamentary protection was necessary for their rights, to concede, with any just regard to their own legislative character, to the demand which will then be made? Will it not be far better that they should proceed before that time comes, seeing the very great increase of the population of this country—seeing that the measures proposed this year and last year have tended to increase in a still greater proportion the manufacturing and productive classes of the country, whether a system which they would be then willing to give up, should be continued for the sake of the landed interests of the Empire? It is not to be expected that it should be so. Let them, then, endeavour to frame some proposition on which this House, and the legislation of this House, can rest. If they do so, they will take upon themselves a fair share with the other classes of the country of any burdens that may be imposed for the common benefit of all. I will not now enter into that question; but it is quite impossible that any such question should be entertained this year, while they maintain exclusive favours and exclusive protection for the class to which they belong. But let that system be altered. Let there be imposed the same proportion of duty on their productions as is placed upon the manufacturing industry of the country; and what obstacle will then exist to prevent us from making taxation lean equally on all classes? Who could object to that course? or who could object to our relieving the agricultural interests from some of their burdens? But whether it be so or not; or whether I may be right in the propositions which I bring forward or not, one thing I do ask of you is, to consider this matter in a time of calm; and with that view I call upon the House to adopt

this first Resolution, which I now, Sir, place in your hands:—

"That the present state of political tranquillity, and the recent revival of trade, afford to this House a favourable opportunity to consider of such measures as may tend permanently to improve the condition of the labouring classes."

Adopt that Resolution, and add to it any further Resolutions you may think fit, according to your own principles and your own views of what the interests of the country require. But whether you do so now or not, my thorough belief is, that our laws will not remain long in the state in which they now are—that the condition of the people of this country does require legislation, not for the purpose—which I should think a most inconsiderate attempt of this House—to provide directly for the well being of all, but for the purpose of relieving, as far as you can, the people from all the restraints and all the evils which your own legislation has imposed. It is for this purpose, then, that I now put this first Resolution, Sir, into your hands.

We think it right to subjoin *in extenso* all the Resolutions proposed by the noble Lord. They were as follows:—

"1. That the present state of political tranquillity, and the recent revival of trade, afford to this House a favourable opportunity to consider of such measures as may tend permanently to improve the condition of the labouring classes.

"2. That those Laws which impose Duties usually called protective, tend to impair the efficiency of labour, to restrict the free interchange of commodities, and to impose on the people unnecessary Taxation.

"3. That the present Corn Law tends to check improvements in agriculture, produces uncertainty in all farming speculations, and holds out to the owners and occupiers of land prospects of special advantage which it fails to secure.

"4. That this House will take the said laws into consideration, with a view to such cautious and deliberate arrangements as may be most beneficial to all classes of Her Majesty's subjects.

"5. That the freedom of industry would be promoted by a careful revision of the Law of Parochial Settlement which now prevails in England and Wales.

"6. That a systematic plan of Colonization would partially relieve those districts of the Country where the deficiency of employment has been most injurious to the Labourers in Husbandry.

"7. That the improvements made of late years in the education of the people, as well as its more general diffusion, have been seen with satisfaction by this House.

"8. That this House will be ready to give its support to measures, founded on liberal and comprehensive principles, which may be conducive to the further extension of religious and moral instruction."

Mr. *S. Crawford* rose to propose the Amendment of which he had given notice, and which was, he said, founded upon the petitions of the people. In 1842, petitions bearing 3,324,000 signatures were presented to that House, praying them to take into their consideration the propriety of extending to the working classes some share of political power by the extension of the suffrage. In 1843, numerous petitions to a similar effect were laid before the House; and, in the last year, 1844, petitions signed by more than 60,000 persons had been presented, praying that a more equal system of representation might be adopted. His hon. Friend the Member for Finsbury (Mr. T. Duncombe) and himself had, on several occasions, submitted Motions to the House, in accordance with the prayer of the petitioners; but they had been rejected by large majorities. The people complained that they were taxed by this House, in which they were unrepresented; and they asked that some means of protection might be afforded them by conceding them a share in the representation. He called upon the House to take this subject into their consideration, and he claimed on the part of the people full, free, and fair representation. The right hon. Baronet (Sir R. Peel) had recently made rapid strides in the proposal of measures advantageous to the great body of the people; and though the right hon. Gentleman had generally divided against him when he brought this subject before the House, he did not despair that the time would arrive when the right hon. Baronet seeing, upon mature consideration, the justice of the measure, would be among the first to support him. The noble Lord, in commenting upon his fifth Resolution, made some remarks on the principle of the New Poor Law; and he (Mr. Crawford) could not pass the subject over without one or two observations. The noble Lord advocated the principle of that law, and denied that it was identified with a certain document or

proposition which had been brought forward on a former occasion in that House. Now, whether that proposition was or was not ever adopted by the Poor Law Commissioners, one thing appeared to his (Mr. Crawford's) mind, undeniable—that the harshest possible regulations were made by the Commissioners with respect to the power; and that if they had wished directly to carry out the terms of the proposition to which he referred, they could not have succeeded more effectually. Their regulations were cruel in the extreme, and such as ought not to have been made with respect to any class of the community. The principle of the New Poor Law was nothing more nor less than by indirect means to abolish the poor man's right to relief; in fact, by restrictions and provisions in the workhouse, to prevent the poor man from applying for relief, unless he was driven to the last stage of destitution. He was prepared to deny that the effect of the Poor Law had been to raise wages—on the contrary, wages in the agricultural districts had fallen, and that fall was chiefly to be attributed to the operation of the Poor Law, which had put such restrictions on the relief afforded to the poor man, that he was willing to take any wages he could possibly live on, rather than submit to the relief the poor house afforded him. That was his view of the New Poor Law, and he maintained that no sincere friend of the working classes could fail to wish that law amended. If the orders of the Poor Law Commissioners had been carried out specifically, the condition of the poor would be the most cruelly miserable that it possibly could be. With respect to the question of emigration, he considered that extensive emigration was a great misfortune to the country. At the same time, however, he would not put any obstacle in the way of voluntary emigration. What he would wish to do was, to keep the able-bodied labourers in the country by bettering their condition; and he was fully convinced that if the resources of the country were carried out, and all restrictive laws removed—if, too, the country were cultivated as it ought to be, the working hands of the country would not be sufficient for the purpose. There were 44,000,000 of acres still to be cultivated in this country, and the number of labourers would fall very far short of the demand if that land were to be put into a state of cultivation. The great evil of this country was, that the poor man was driven off the land; there was no land for the labour of his hands. The consequence was, that the manufacturing industry of the country was overpowered by the number of superfluous hands that were poured in upon it. He did not wish further to trespass on the attention of the House. He had only addressed them on this occasion in the hope that they might be induced to take the claims and wishes of the people into their consideration, more especially their claim to a share in the making of the laws and in sending representatives to that House. The hon. Gentleman concluded by moving, as an Amendment to the first Resolution—

"That after the word 'opportunity' in that Resolution, these words be inserted, 'to give immediate attention to the claims so repeatedly urged in the Petitions of the People for an extension of the Parliamentary suffrage, as well as'—after which the rest of the words of the Resolution to follow; he should also move 'that Resolutions 4, 5, 6, and 8 be omitted."

Mr. *W. Williams* seconded the Amendment.

Sir *J. Graham*: Sir, with the permission of the House I should have been anxious to have had the honour of addressing you immediately after the noble Lord the Member for London concluded his most able speech; but, Sir, as it is my intention to submit, as to the first Resolution, the Motion of the previous question, and as consistently with the rules of the House, if I had then done so, the hon. Member for Rochdale would not have been able to move his Amendment, I should have been wanting in courtesy to that hon. Member, if I had opposed such an obstacle to the making of his Motion. Sir, I must say that I came down to the House this evening in considerable perplexity as to what was really to be the subject of debate. Ordinarily, the Notice of a Motion enables us to form a conclusion as to the precise object of the Mover, and the subject he means to introduce to the House; but the Notice of the noble Lord tends to disguise his object. I acquit the noble Lord of any intention to place the House in that position; but the extreme extent of ground occupied by his Notice, so far from rendering it clear what is the subject he wishes us to discuss, forms a complete Parliamentary labyrinth, which

involves us even more than if no notice whatever had been given. Indeed it might be said of that labyrinth, as was said of another,—

> "Mille viis habuisse dolum, quâ signa sequendi
> Falleret indeprensus et irremeabilis error."

And certainly, if anything were wanting to complete the confusion, it would be the Amendment which the hon. Member for Rochdale has added—the new question which he has raised—namely, that of universal suffrage. Sir, having made these preliminary remarks as to the difficulty of following the noble Lord, I must at the same time do justice to his speech; anything more comprehensive or devoid of party acrimony, or more worthy of the great subject which he has thought it his duty to introduce, I never heard before in this House. I must say no proposition of greater importance, and at the same time, of greater difficulty, can be considered in a representative assembly than that which has been introduced by the noble Lord—it is no less than how we may best promote the happiness and welfare of the labouring classes. Sir, I conceive that the laws of the country and all our institutions are framed, not so much for the benefit of the few who are in the enjoyment of property, and the accumulated fruits of past industry, as for that far greater body of the people—those whose only property is their labour, and whose only dependence is on the law of the land, and on this representative body, for protection. Therefore I do attach the utmost importance to the subject we are about to discuss, and I am prepared to meet the noble Lord upon it in a spirit devoid of all party feeling, and at the same time with a sincere desire to investigate these matters in a way which shall be conducive to the advancement of the public interest; and as far as possible for the advantage of that large class whose case the noble Lord has brought under the special notice of the House. Sir, the noble Lord excused himself for proposing to move Resolutions rather than to introduce a specific measure, on the ground that the Government have discouraged to the utmost, legislation by individual Members of Parliament. I must say that I think this an unjust view of the course taken by the Government in this House. I need scarcely remind the House of the successful efforts made by the noble Lord the Member for Dorsetshire (Lord Ashley), on behalf of the working classes. I need not remind the House of the noble Lord's measure for the prevention of female labour in mines and collieries; and for the general regulation of labour in the mining districts. Nor need I remind the House that, in the course of he present Session, the noble Lord introduced a measure extending the principle of the Factories Regulation Act to print works and calico works generally. It is true, that there was a slight difference of opinion between myself and the noble Lord as to his original proposition; but he agreed to adopt certain modifications which I suggested, and the noble Lord has the merit of having passed that measure through this House I believe, that it will in a short time receive the assent of the other branch of the Legislature, and become law. The noble Lord the Member for Dorset has also given notice of a most important measure with respect to lunatic asylums; so that there scarcely seems to be a foundation for the accusation of the noble Lord the Member for London with respect to the Government in this respect. [Lord *J. Russell:* I made no accusation.] I certainly understood the noble Lord to say, that individual Members of the House met with no encouragement from the Government to make substantive propositions; and I thought I had a right to allude, in passing, to a remark which I consider our conduct has by no means justified. Sir, the noble Lord proceeded to observe that the wages of labour in the agricultural counties of England did not in his belief exceed 8*s.* a week. I must say, that my information differs from that of the noble Lord. I believe that 8*s.* a week is below the average; that, on the contrary, the average is at least 10*s.* a week, and that that is higher than the average of some five or six years ago. [Lord *J. Russell:* I said the average of some counties only.] I don't think that in any county the average wages of able-bodied men will be found so low as 7*s.* a week—nor even so low as 8*s.* In Norfolk and Suffolk, I am certain the average is above 10*s.* indeed I might safely say 11*s.* a week. Sir, I will endeavour to follow the noble Lord through the principal topics of his speech; and the most natural course will be to follow, as he has done, the Resolutions in their order. In the first place, then, I will address myself to the question of Protective Duties. The

first Resolution of the noble Lord embodies a declaration which, on the whole, cannot be considered otherwise than as complimentary to the policy of the Government. The noble Lord adverts in his Resolution to the tranquillity which so generally prevails, and admits the recent revival of trade. He fixes the period of that revival as being recent, and therefore, without arrogating to the Government any exclusive merit, the present Ministers may, at least, claim a considerable portion of that merit. The second Resolution has reference to the system of protective duties. I beg leave to remind the noble Lord and the House, that the great object of the policy of Mr. Huskisson was not to abolish the system of protective duties, but to substitute protection for a prohibitory system. The noble Lord appears to dissent from this proposition; but I am confident I am right in so representing the policy of Mr. Huskisson. The noble Lord made two admissions. He admitted that Mr. Huskisson was the decided advocate of the Corn Law of 1825, and that he was avowedly the author of that of 1828, which with some modifications is the law now in force. I think, then, I am justified in saying that Mr. Huskisson was in favour of a substitution of protective for prohibitory duties. I admit, and I have always said, that Mr. Huskisson advocated the policy of abolishing prohibitory duties, supplying their place with protecting duties, proceeding always, however, upon the principle of lowering the amount of those protecting duties according as the population of the country increased; and I will say, that that policy has in the main been pursued, without distinction of party, by every successive Administration; further it must be known to the House that that is the policy which we also have advocated and carried into execution ever since we have become the responsible advisers of the Crown. I will not weary the House by entering into any minute details; but as the noble Lord opposite has gone somewhat into particulars, it becomes necessary that in following him, I should make an attempt to illustrate by evidence the position for which it appears to me necessary to contend. In the first place, I beg to recall to the recollection of the House how much has been done during the last three years towards relieving the great body of the people by the remission of taxes affecting individual enjoyments and comforts, and how strenuously we have laboured to substitute direct for indirect taxation, and that to so very large an amount as most materially to relieve the working classes. Referring to the operations of the years 1842, 1843, and to those in the present year, it will be seen that we have remitted taxation to the amount of at least 6,300,000*l.*; I mean indirect taxation; and we have done this without diminishing the revenue, because we have placed direct taxation in the room of it. Thus, so far from creating a deficiency, we have been enabled to restore the balance between the public income and expenditure, and we have besides this made provision for a much larger naval and military force than had previously been at the disposal of the Crown, having increased the estimates for those two arms of the national safety to the extent of not less than 1,000,000*l.* Upon our coming into office we found 1,152 articles chargeable with Customs' duties. By means of the changes effected in the year 1842 and in the present year we have been enabled to reduce the number of these from 1,152 to 579, thus removing the duties from more than one-half the articles liable to Customs' duty, relieving the country altogether from these imposts, and thereby greatly removing the fetters which were previously imposed upon our commerce and our trade. The noble Lord refers, I think, to an antecedent period of our history—to a reduction of the debt, as one of the surest symptoms of credit, resting upon a sound foundation—and as a proof of the great prosperity of the country where such an alteration is made. Now, on looking at the policy of Her Majesty's present Government, that circumstance will not be found wanting. I am sure it will not be forgotten by the House, that within the last year we effected one of the greatest financial operations that has been undertaken for many years; we reduced the interest on an amount of debt not less than 400,000,000*l.* by which an annual saving to the country of nearly 1,000,000*l.* was effected. This reduction of 1,000,000*l.* of annual interest is equivalent to the extinction of 30,000,000*l.* of capital. The next subject to which the noble Lord alluded was the law which restricts the importation of corn. He will, I hope, excuse me if I say that I was somewhat amused by the

dexterity with which he handled this topic of his speech. The noble Lord said that he was not disposed to make any proposition of his own; but rather to reduce the Government to the necessity of making some new proposition to Parliament—to make the Government move, as it were, of their own accord, and to propose some change in the Corn Laws. Now, I am not prepared for anything of the sort, and if we do it, we shall certainly not be found doing it by the adoption of any such Resolution as this—

"That this House will take the said laws (the Corn Laws) into consideration, with a view to such cautious and deliberate arrangements as may be most beneficial to all classes of Her Majesty's subjects."

We are not prepared to assent to any such change. But if any hon. Member of this House thinks that those laws injuriously affect the food of the poor—as some people maintain they do—I say, that if any hon. Member thinks that those laws ought to be repealed, or even materially modified, he should at once come forward and propose a measure of direct repeal to the House. The hon. Member for Wolverhampton, if I am not mistaken, has given notice of his intention to make such a proposition; and when the discussion upon that question comes under the consideration of the House that will be the proper time, and I may say the only fitting opportunity, for entering at large into a debate which alone is sufficient to occupy the undivided attention of Parliament. The noble Lord, in a guarded manner, but still in a manner not to be misunderstood, has plainly pointed out, notwithstanding all his arguments — notwithstanding all the statements in his Resolutions in favour of free trade and the abolition of protective duties—that he still is prepared to give some protection to agriculture: he has somewhat descended from the fixed duty of 8*s.* per quarter, which, when he was the responsible adviser of the Crown, he tendered to the agricultural interest; now, he says, the time is gone by when he would support a duty of 8*s.*, but he is prepared to give a protecting duty of some 4*s.*, or 5*s.*, or even 6*s.* The noble Lord the Member for Tiverton, I remember, thought that a fixed duty was defensible, not as a duty of protection, but as a fiscal duty and a source of revenue. That doctrine the noble Lord the Member for the city of London altogether repudiates. The noble Lord says he does not think the food of the people is abstractedly a proper subject for taxation, with the view of raising a revenue, and consequently the fixed duty which the noble Lord would support must be a duty for the purpose of giving protection. And I do not understand the noble Lord to deny that such is his intention. Sir, I have frequently stated to the House what I am now prepared to repeat, that I am quite satisfied that a fixed duty would prove delusive to the agricultural interest. A duty of 6*s.* or 5*s.* would, when the price was low, give no protection; and when the price, from an inadequate supply, is very high, or as I should call it exorbitant, I am quite satisfied the country would not endure his fixed duty, and that no Government could be strong enough to maintain it. And the noble Lord, when he came to discuss his own proposition, and was responsible for the advice he gave, felt the difficulty so strongly, that in any legislative measure imposing a fixed duty, he thought it would be necessary to give to the Executive Government the power of remitting the duty altogether in certain circumstances, or of directing that when the price rose to a given amount, the fixed duty should cease. Now I am perfectly convinced that the speculations which are so much condemned under the sliding scale, would be as nothing to the speculation and jobbing that would take place under a fixed duty such as this. The noble Lord says that the price has been unsteady and wavering. Now, I must deny that proposition. I admit that a steady price, with our variation of seasons—an absolute steady price, can never be expected; but comparatively speaking—speaking of the operation of this law, which in its modified form has not been in operation for a very long period—but judging from experience, limited as that experience necessarily is, I should say of this law, that no law with reference to the imposition of a duty on corn in this country, has been attended with less variation of price than the existing law which we are now discussing. Now, Sir, it is very true that a larger amount of corn is brought into the market for three months immediately antecedent or subsequent to the harvest than in any other period of the year; and I do not believe that you could frame any law imposing a fixed duty which would operate to prevent

this speculation. My persuasion is, that it is natural so to speculate, and that those who import corn will hold it until they see the prospects of the home growth with reference both to quantity and quality. It is advisable that they should do so, for such speculations stand in the stead of public granaries. I do not wish to overlay this part of the subject by going into details; but I must say that I combat the position of the noble Lord, and I maintain, that under the existing Corn Law there has been greater steadiness of price than under any former regulations which gave protection. Sir, with permission of the House I will go on to state that even in the present year, when upon the whole the price of corn has been low, it is remarkable that a quantity of foreign corn and flour, by no means inconsiderable, has been brought in aid of the consumption of the great body of the people. The noble Lord himself referred to the Return moved for by the hon. Member for Somersetshire. That Return shows, as the noble Lord stated, that in the month of July and August in the last year, in every one of those weeks, or those months, there was a larger quantity of foreign wheat brought into consumption than in any other month; but still it is remarkable that week by week, without exception, throughout the year, a quantity of corn by no means inconsiderable has been brought into general consumption, and that too, at a duty of from 17*s.* 6*d.* to 20*s.* I have here a Return extending from January last up to the present period, and from that Return it appears that week by week no less than 57,000 qrs. of foreign wheat have been introduced into consumption, paying the highest duty—namely, 20*s.* per quarter. But I would beg the House to observe also the operation of the law with respect to barley. If any protection whatever is to be given to the landed interest of this country, I cannot conceive a scheme of protection which could work more evenly or advantageously for all parties than the existing law, if we are to test it by barley. In the course of the last twelve months the quantity of foreign barley introduced into consumption here has been not less than 1,100,000 quarters. This quantity has paid very nearly the highest rate of duty, and notwithstanding this large introduction of foreign barley in aid of the home consumption, the price has never fallen below 32*s.*, and has not varied, I may safely say, more than from 1*s.* to 1*s.* 6*d.* per quarter—a price which yields the producer a fair profit, and at the same time is checked from becoming exorbitant by a steady weekly importation. Since the 1st of January the quantity of barley imported has been 135,000 quarters, and the quantity entered for home consumption is no less than 131,000 quarters, so that the consumption very nearly corresponds with the importation; and as in the account printed on the Motion of the hon. Member for Somersetshire, so in the account up to the present period in this year, it is clear that week by week the quantity imported tallies almost exactly and uniformly with the quantity brought into consumption. Now, Sir, it must be observed that the effect of the duty of 17*s.* 6*d.* to 20*s.* on wheat, even with the present prices, has not been found to operate like a prohibitory duty. But I wish the House to consider, with reference to harvests such as we have had for the last two years, what would have been the effect of such a measure as the noble Lord's fixed duty of 4*s.* or 5*s.* The noble Lord says he does not consider that any impulse has been given to agriculture by protection. I will not say that I can venture positively to affirm that protection is the cause of the improvement of agriculture; but whether it be the cause or not I do say that coincident with protection, since the termination of the war, there has been a most remarkable improvement in agriculture; and I am quite confident of this, that although the population of these islands since the commencement of the French war has nearly doubled, the soil now produces with greater facility and certainty a more adequate supply for that increased population than it did previously for the smaller amount of population. Now, Sir, I beg the House to bear in mind (admitting distinctly that the policy of the Government has been gradually to diminish the amount of protection)—how closely we have gone to the very verge, throwing out of employment or diminishing the employment of a large mass of our agricultural population in consequence of the reduction of price which diminution of protection is supposed to have caused. The noble Lord has truly stated that the increase in our population has been almost miraculous; but he has very much under-

stated the increase. The noble Lord stated the increase to be at the rate of 250,000 a year; but I believe the official returns will show that the increase is at the rate of 380,000. Now let the House reflect upon this. I believe that since the present Government accepted office not less than 1,500,000 have been added to the population of these islands. The population of the two Canadas does not exceed 1,000,000, the population of Holland is not more than 2,800,000, and that of Switzerland about 2,100,000. During the four years with which we have been charged with the conduct of affairs the population has increased to an extent greater than the whole population of the two Canadas, equal almost to the population of Switzerland, or of Holland. I allude to this in order to remind you of the effects that must arise from the increase of population, which must add to the difficulties in governing this country. The increase of the people is a fact to which all our commercial and financial legislation must be directed; and we should fail in our duty if we did not advert to it in connexion with our future policy. It certainly is a matter of great congratulation to the House and the country, that, notwithstanding the increase of the population to which I have referred, upon the whole at the present moment when I am addressing you, the rate of wages generally is higher than it was four years ago, and the price of all articles of the first necessity is lower; and, consequently, the condition of the working classes, so far from being deteriorated is improved. [*Cheers.*] I hear cheers from the other side of the House; but you should recollect that this is quite compatible with protection given to agriculture (modified, however, to the extent to which I have stated protection ought to be); and I say that if you suddenly abrogate your protective system, which, whether wisely or no I will not now stop to inquire, has for a quarter of a century prevailed with reference to so important a branch of your industry as the agriculture of these islands; if you interfere with this system hastily and rashly, you will inflict upon it almost irremediable evils, and indirectly entail on the working classes generally the greatest injury. The noble Lord says that he desires that measures should be adopted which are likely to be beneficial to all classes of Her Majesty's subjects. I believe that if I show to you a great improvement in trade, a great increased demand in the manufacturing districts, a great increase of prosperity in that quarter, that I may safely assume that the general condition of this country, without the exception of any class, is improved, and is in a sound and healthy condition. Now, Sir, I will remind the House of the condition of the manufacturing districts when Her Majesty's present Ministers came into office. I will not dwell upon the year 1841. I will refer especially to the year 1842, when, as my right hon. Friend at the head of the Government has more than once told you, nearly the whole of the population of the town of Paisley was out of employment, and when it was our painful duty, contrary to principle, directly to interfere, and administer relief from the public purse to the wants of the population. That is but a single instance of the distress which prevailed in the years 1841 and 1842. The town of Stockport was in a condition hardly less painful than that of Paisley. I will just advert for one moment to the Report which I hold in my hand, showing the state of affairs in 1841, and then contrast it with the state of the manufacturing districts at the moment when I am addressing you. In the Report of the Factory Commissioners, in 1841, I find the following statement:—

"I regret to say that the depression which I stated in my last Report to be prevalent among the mill occupiers and their workpeople has in no degree abated; but on the contrary has, I fear, increased. Wherever I have been I have heard the same sad tale, with very few exceptions, that trade is in a state of extreme depression, and without any distinct prospect of improvement. Within the last four months several bankruptcies have taken place among the mill occupiers in my district. In four of these cases, the aggregate number of persons suddenly thrown out of employment amounted to 1720, and a sum of 850*l.* paid weekly in wages was withdrawn."

I will not go through the whole of the statement, but will now turn to another passage, showing the contrast of the present state of affairs in the district generally. The following is Mr. Horner's Report:—

"In my Report for the quarter ending June last I mentioned some evidence of the increased activity of the cotton trade begun

eight months before; in the present year there have been fifty-five new investments of capital, either new mills or additions to mills, or new occupants of mills, or rooms formerly unoccupied now filled with new machinery."

In May, 1844, Mr. Horner says—

"The cotton trade is in a state of great activity, new mills are building, others long unoccupied are taken by new tenants, and in some places it is difficult to find workers. There is also a much more prosperous trade in the woollen mills. There is great activity especially in the cotton factories. In some places large additions have been made both to buildings and machinery, several entirely new have been built, and others are in progress; and not only do we not hear of any person being out of employment, but in some places hands are scarce. One mill occupier, who employs a large number of handloom weavers, stated he was now paying them fully 30 per cent. more than twelve months ago, and this advance was general in most descriptions of work."

In January last Mr. Horner, in visiting Oldham, met a large millowner, who stated to another gentleman in his presence, "I wish you could send me some hands, for I have looms standing idle for want of hands." Mr. Saunders, inspector of the woollen district in Yorkshire, in a letter dated April last, says—

"I am unable to give you information as to the state of things in 1840, but I send you some statistical accounts relating to Yorkshire, from which it appears, that while in 1838 there were 84,510 persons of all ages employed in factories, there are now employed in the same factories 114,838, being an increase of 38 per cent. of persons of all ages."

And, in regard to Scotland, according to the report of Mr. Stuart, and Ireland, the state of things is at least as satisfactory. There is not a single hand unemployed; even in some districts there is a want of fresh hands to carry on increased trade. I have also here some individual cases which have been represented to me by Mr. Clements, the Assistant Poor Law Commissioner in the cotton district, which if I were not afraid of wearying the House I should also allude to. Mr. Clements states in his letter:—

"First, as regards cotton mills, a friend of mine has inspected the books of a good average mill in Burnley, from which the following results appear:—

"During the five weeks ended May 3, 1845, the mill hands worked thirty days, and received	£384	15	2½
"During the five weeks ended April 30, 1842, the same number of hands worked nineteen days, and received	246	13	7½
"Difference caused by working short time	£138	1	7

Mr. Clements says, that—

"A mason told me, that during the distress of 1841-42 he would gladly have accepted employment for 2*s.* a day, but could not find work at any rate. He was now receiving 3*s.* 7*d.* a day; and if he wished to leave his present master, he could get at least 4*s.* The carpenters then suffered most severely; they can now get almost anything they like to ask."

In any comparison of the relative condition of the operatives, the price of provisions must not be lost sight of. In 1842, a measure of flour cost, in Burnley, 5*s.* 2*d.*; in 1845, it cost only 4*s.*, being a reduction of 20 per cent. On one point, I mean the rate of wages, I have made the most careful inquiry, and I hold in my hand an average of the rate of wages in various departments of labour, principally skilled labour, deduced from various statements obtained from Liverpool, Sheffield, Leeds, Newcastle-upon-Tyne, Manchester, and the Potteries, embracing a period of six years, from April, 1840, to April, 1845. I will not weary the House by going through the whole; suffice it to say that the average for the year 1845 is at least as high as the average of any of the five antecedent years, without exception; and upon the whole I may say, that with the exception of one or two towns, it is higher in 1845 than in any former year. But, I will read to the House what is said of three towns with reference to the demand for labour and the rate of wages. I will read an extract of a letter from Newcastle-upon-Tyne, dated the 10th of March, 1845:—

"The wages of artisans and labourers have altered very little; any change there has been in the last five years has been in the way of increase, and workmen generally are now well employed. The shipping trade is good. Coal-owners complain that their concerns are not profitable; over production is the obvious cause."

The following is an extract from Sheffield:—

"The years 1840, 1, 2, and 3, were eminently years of bad trade. From 1500 to 2000 male adults, with their families, were

upon the poor rates. Trade revived in 1844, and in most of the trades the prices given for work have advanced; but the time during which the men are allowed to work by the unions has been greatly diminished; most of the trades working only seven hours a day, many not more than six."

The following letter has been received from Liverpool, dated April 24, 1845:—

"In the years from 1840 to 1844, we could get hundreds of workmen at any wages we had the conscience to offer; now we have scarcely an application for work."

I cannot give the House a better idea of the condition of the mechanic population than by quoting the rate of wages given during the weeks ending the nearest to April 20th for the last six years by the same house, conducting the same business, and to the same number of hands. In the weeks ending the 18th of April, 1840, they paid in wages 303*l.*; in 1841, 195*l.*; in 1842, 260*l.*; in 1843, 282*l.*; in 1844, 390*l.*; in April in this year, the number of hands being the same, 695*l.* But, Sir, I have said that the amount of wages is only one ingredient in the comparative comfort of the working classes; you must look also to the price of articles of first necessity. I have established, I hope, to the satisfaction of the House, that throughout the manufacturing districts there has been no fall of wages; but, speaking generally, somewhat of an increase. I have stated also, that in the agricultural districts, so far from any fall of wages, in a large number of the agricultural counties there has been a positive increase. Bearing these facts in mind, I call your attention to the command which the same amount of wages has over the prime necessaries of life in the present year, as compared with the last five; and I claim for the Government a proportion of the credit with respect to that increase. [Lord *Howick:* The sun has had more to do with it than the Government.] I am by no means prepared to deny that a deficient harvest is one of the greatest curses Providence can inflict on this country; and I also most readily admit that an abundant harvest is of necessity one of the greatest blessings. I am not prepared to deny that all human legislation as against the infliction of Heaven in this respect, must be vain and inoperative compared with the blessing of a bounteous season. But, making all these admissions, when I come to read the prices of articles of first necessity, you will see that many of the reductions are distinctly to be traced to the recent legislation of this House. I will read to you the articles, and compare the price they bear this year with that of 1841, when the change of Government took place. In 1841, the price of wheat was 68*s.* 7*d.* per quarter; in the present year the price of wheat is 46*s.* 5*d.* In 1841, the price of barley was 40*s.* per quarter; it is now 32*s.* 5*d.* In 1841, the price of oats was 25*s.* 9*d.* per quarter; now it is 21*s.* 4*d.* The price of flour in 1841 was 10½*d.* per quartern; now it is 8½*d.* Oatmeal in 1841 was 6*d.* per quart; it is now 5*d.* So far with reference to articles on which the sun, as suggested by the noble Lord (Lord Howick) opposite, may be supposed to have immediate influence; but that influence extends not to those articles I am now about to enumerete. The price of beef in 1841 was 7*d.* per lb.; now it is 5½*d.*; these Returns have been most carefully prepared within the last fortnight by wholesale dealers in the metropolis, and the facts may easily be verified. Mutton in 1841 was 7*d.* per lb., now it is 6*d.* Pork was 7*d.* per lb., now it is 6*d.* Sugar, which was 7*d.* per lb. in 1841, is now 5*d.* The price of coffee in 1841 was 2*s.* per lb., now it is 1*s.* 4*d.* The price of tea in 1841 was 5*s.* per lb., now it is 4*s.* The price of currants in 1841 was 9*d.* per lb., now it is 6*d.* The price of candles in 1841 was 7*d.* per lb., now it is 6*d.* There are various other articles I need not enumerate; but on almost every one there has been a corresponding decrease of price. In other articles of prime necessity, clothing and household furniture, there has been no material decrease, but there has been no increase on any one article. I think the noble Lord did justice to Her Majesty's Government—and my right hon. Friend at the head of it in particular—with reference to the measures which he had adopted for regulating the monetary system of this country. Nothing in antecedent periods has affected wages more disadvantageously than variations in price, arising from variations in the amount of the circulating medium in this country. It is most true, that a large sudden increase of the circulating medium has the effect of creating an apparent prosperity of a fleeting nature; but while the necessity of paying in gold, at the standard

price, is maintained, such prosperity, created by an undue issue of paper, payable in gold on demand, is not only evanescent, but the sudden and inevitable contraction of that circulating medium is attended with most severe pressure on all classes, and is felt by none more cruelly than by the labouring classes of this country. Allow me, then, to observe—as the effect of growing prosperity regulated by prudent legislation, that in 1841 the amount of bullion in the hands of the Bank of England was only 5,000,000*l.*, and their notes in circulation amounted to only 16,400,000*l.* While I am now addressing you, the amount of bullion in the hands of the Bank of England is 16,000,000*l.*, instead of 5,000,000*l.*, and the amount of their paper in circulation, instead of 16,400,000*l.*, is now no less than 21,163,000*l.* As a complement of the measure of last year, in reference to the Bank of England, and in reference to the country banks in England, there are now in progress measures with reference to the banks in Scotland and Ireland, by the combined operation of which I have no doubt that those sudden and ruinous fluctuations in the currency cannot again take place under the checks which will shortly be imposed; for not only with reference to the Bank of England, but with reference to all banks of issue, precautions have been taken against an undue increase of issue, and legislative measures have been passed which have, I think, guarded securely against the recurrence in future of such fluctuations as we have seen; and, in connexion with the other measures of which I have spoken, will, I trust, render the prosperity I have been describing not evanescent, but permanent. Have these monetary measures unduly checked speculation? The speculation of the present day is sound and healthy. At no period of our history has speculation been founded on more secure grounds, or carried so far as at present. I need only advert to the capital employed in railways to establish this. Before the year 1844 there had been constructed in this country 2,355 miles of railway, at a cost of 66,700,000*l.* In 1844, 728 miles were added to those 2,300, with an outlay of 10,304,000*l.* There are now railway projects in agitation for the creation of no less than 6,000 miles, at an outlay approaching to 88,000,000*l.* sterling. Last year there was no less a sum than 10,000,000*l.* sterling applied to railway speculations; and from the best estimate I can obtain I have arrived at the conclusion that in the course of the present Session railway projects, in which capital to the amount of 20,000,000*l.* sterling is invested, will receive the sanction of Parliament. In former periods of prosperity the spirit of speculation led to a great outlay in foreign countries; and though some English capital is now embarked in making railways abroad, still the whole of this 20,000,000*l.* will be expended in the labours of the artisans of this country, and it cannot fail for many years to come to furnish the labourers of this country with an ample supply of employment. There is another circumstance to which I would especially call attention, as it cannot fail to be most satisfactory to the House; I allude to the diminution of crime in this country. Coincident with distress of the working classes, there never has failed to be a large increase of crime; coincident with the prosperity of the working classes, there never has failed to be a diminution in crime; and in the present year there is a marked diminution. The following is the official statement upon the subject of the decrease of crime, and of the numbers convicted in the years 1843 and 1844:—

"The commitments for trial in 1842 were greater than in any previous year recorded: they amounted to 31,309 persons, having in seven years increased 50 per cent. In 1843, the commitments decreased to 29,591 persons, or nearly 5½ per cent. In 1844, the commitments for trial further decreased to 26,542 persons, or 10¼ per cent., making a total decrease in the two years of 4,767 offenders, or above 15¼ per cent. This decrease has been very marked in the great manufacturing counties, including also several of the large agricultural counties. The great increase in 1843 of the most severe sentences—death and transportation—was a proof of the increased prevalence of atrocious crimes in that year, and it is gratifying to quote a great decrease in those sentences in 1844. In proof of the recent decrease of such offences, in 1843 ninety-seven persons were sentenced to death, and 4,813 to transportation. In 1844, fifty-seven persons only were sentenced to death—a decrease of 26 per cent., and 3,320 to transportation, a decrease of 23 per cent."

These results cannot fail to be satisfactory to the House and to the country. Now, with respect to the expenses of pauperism; from tables recently presented to the

House, it appears that there was a diminution in the last year of nearly 20 per cent. as compared with 1843, in the amount of relief given to the able-bodied poor in this country. That number had for years previously been increasing; and I do consider the check given to that increase, and the marked difference between the return of former years and of the last, is one of the best and most undoubted proofs of the improved condition of the agricultural population. Since I have touched on the subject of the Poor Laws, I should wish to say one word more. The noble Lord made an observation which I am anxious to take the opportunity of confirming. It has been alleged, that it was the intention of those who introduced the measure of 1834 for the Amendment of the Poor Laws, to put the poor on coarser food. I now state that there was on the part of the Government which introduced that measure, no such intention. I have previously given the same assurance. I am glad that the noble Lord has confirmed that statement of mine. The noble Lord said that some alterations in the Law of Settlement was necessary in his opinion. I have more than once taken occasion to state my opinion on the subject; and in the course of last Session I did bring in a measure contemplating an extensive change in the system of Settlement. I then proposed a Birth Settlement as the only Settlement. I certainly found during the recess that the proposition of a Birth Settlement was open to great objection, and more especially that it would have afforded an inducement for the destruction of cottages in the agricultural districts, and added to the difficulty which the poor find of obtaining residences for their families on easy terms. The noble Lord said that industrial residence ought to be the basis of the scheme for arranging the Law of Settlements. Sir, this is not the opportunity for discussing that very difficult and important question; but I think the noble Lord will find when he comes to look more fully into the matter, that industrial residence, if made the only ground of Settlement, might have some advantages in manufacturing towns, but in agricultural districts it would have the same objections which I now feel to a Birth Settlement: it would be an inducement to large proprietors to oppose the residence of strangers in their districts, and would lead to the destruction of cottages, and to throwing difficulties in the way of the poor in obtaining residences. I am disposed to think that it may be desirable, without placing Settlement on the basis of industrial residence only, to give to industrial residence for a certain number of years the benefit of irremovability. That I think would be an arrangement well worthy of consideration; but I am sensible that if adopted, it is an arrangement which will bear with great severity on towns, unless it be accompanied with some power of removing after a fixed period of industrial residence, short of the period of irremovability. I quite agree with the noble Lord that the attention of Parliament ought to be given to the subject. I have myself given an anxious attention to it, in consequence of which I was led to frame the Bill of the present Session, which I have brought in, and which now waits for discussion, and I will postpone whatever I shall have to say further on the subject, till the opportunity of that discussion shall have arrived. The noble Lord has recommended emigration as one of the means of relieving the population of districts where the demand for labour is reduced, and wages are low. Now, I confess, I find it rather difficult to understand what is the precise import of the phrase "systematic colonization," which the Resolution contains. This subject was discussed in the year 1840, I think, when the noble Lord presided at the Colonial Department, and two most able memorials were presented to him from the Emigration Commissioners. They suggested two schemes with reference to this subject, which they brought specially under the notice of the noble Lord, and I am not aware whether they received his sanction. But I am bound to say that any extensive scheme of colonization, if undertaken by the Government, would, in my belief, be a failure, on account of the great indisposition of the people of this country voluntarily to go to very distant Colonies, with all the hardships of a long sea voyage before them; and even if that disinclination were overcome, it would entail an amount of cost absolutely ruinous on the part of the State, unless the stream of emigration were directed to those Colonies which are the nearest, and to which the voyage is the shortest. The British Parliament has deliberately parted with the means of carrying out a system

of colonization upon a large scale in that quarter. The waste lands of the Crown are made over by the Legislature, in respect to Canada, to the local Government; so that emigration to any great extent for the purpose of occupying those waste lands is no longer possible. The cost of the passage to the North American Colonies does not exceed 7*l.* a head; and the only other quarter to which the emigrant can resort is the Australian Colonies, and let it be recollected that the voyage there lasts five months, and costs from 17*l.* to 19*l.* a head. I can hardly contemplate, therefore, any scheme of colonization, unless the capital taken out by the emigrants be proportionate to the number of individuals who emigrate; for such has been the state of the supply of labour in those Australian Colonies, that within the last two years representations have been made to Her Majesty's Government, that at Sydney and at other of the Colonies in our Australasian possessions, there is positively an excess of labour, and that thousands of persons are seeking work and unable to find it. Under these circumstances, the utmost caution is necessary on the part of the Executive Government in inducing the people of this country to emigrate to such distant climes in hopes of procuring employment, unless there be a demand for their labour there. However destitute may be their condition at home, in those distant Colonies there is the utmost difficulty in getting work; and though you may escape from the pain of seeing their wants and knowing their distresses, yet, if the facts be true as I have stated them to you, and I believe they are undoubted, that want and that distress, if seen by you in those distant regions, would be more urgent, more distressing, and more heart-rending, than any condition to which they can submit in the native country. I repeat, therefore, that the greatest caution is necessary before we accede to any plan of emigration; but even the subject of emigration has not been neglected by Her Majesty's Government. There has been a very large emigration annually taking place from this country, and that in the most legitimate manner, because it is a voluntary emigration, aided by the officers of the Government under an arrangement well devised and suited to its end. Officers appointed by the Government, give information in this country to persons willing to emigrate; and agents of the Government in the North American Colonies, are apppointed to aid them when they arrive, and give every assistance in their power. I have before me a table showing the emigration from the United Kingdom during twenty years, from 1825 to 1844 inclusive, and during that period no less a number than 1,255,975 persons have emigrated from the United Kingdom to our Colonial possessions. In the year 1841 the number was 118,592; in 1842, 128,344; in1843, 57,212; and in 1844 no less than 70,686 persons voluntarily emigrated without any compulsion whatever. I have also an account of the emigration that is now actually in progress during the present year; from which it appears that the number of persons who left the United Kingdom for the Colonies during the first three months of the present year, ending the 31st of March, was 13,507, which, as compared with the emigration of the same quarter during the preceding year, of 7,396, marks a difference of thirteen to seven between the number of voluntary emigrants who quitted the United Kingdom during the first three months of this year, contrasted with the last. I may add that the emigration from the ten stations at which there are Government emigration agents, in the single month of April, 1845, was no less than 24,114. There was another point with respect to the condition of the people upon which the noble Lord dwelt with much earnestness; I mean the measures which have been taken to promote the education of the working classes. Now, in approaching this part of the noble Lord's speech, I am ready at once to declare my opinion that all education, unless it be accompanied by some endeavours to improve the physical condition of the people, will be utterly useless and without any effect. I contend that no education will be of any advantage to the people, unless it be accompanied with some endeavours to better their circumstances. The Government must bestow its attention as much upon the means of improving the physical as the moral condition of the working classes. Now, has the present Government neglected this most important branch of its duties—I mean those duties which, independently of their obligations to do their utmost to increase the comforts and add to the indulgences of the working

classes, are involved in making provision for their mental culture? On the contrary, I am prepared to show, from the Papers which I hold in my hands, that in the year 1841 the sum expended by the Government in the education of the people was 30,000*l.* In 1842 it was 40,000*l.* A similar amount was expended in the years 1843 and 1844, whilst in the present year the sum proposed to be devoted to the purposes of education is 75,000*l.* The noble Lord also stated in the course of his speech that attention to the condition of the masters and mistresses of the public educational establishments was a primary duty on the part of the Government. I entirely agree with the noble Lord upon this point, and I am enabled to state to the House that this duty also has been properly and efficiently attended to, and that the expenditure which was at first limited on the part of the State to the construction of schools, has now been extended to the erection of dwellings for the schoolmasters. But the noble Lord also says, that we ought to attend to the qualifications of the schoolmasters and mistresses, and to provide means for their better training and education. This, likewise, I am in a condition to state, has not been neglected by the Government. I quote from a Report made to the Government on the point:—

"In pursuance of their desire to promote the efficiency and to increase the number of normal schools, they have, in addition to the vote of 10,000*l.* made by the late Government to the normal schools of the British and Foreign School Societies, voted to the National Society's normal schools an annual grant of 1,000*l.*, which has been paid for the last two years; to the British and Foreign School Society's normal school an annual grant of 750*l.*, which has been paid for the last two years; towards the building and establishment of the Chester diocesan normal school, 3,700*l.*; towards the building and establishment of the Batersea normal school, 3,200*l.*, towards the building and establishment of the York and Ripon diocesan normal school, 3,500*l.*; towards the building and establishment of the Edinburgh normal school, under the General Assembly of the Church of Scotland, 4,000*l.*; towards the establishment of a normal school at Glasgow, under the General Assembly of the Church of Scotland, 5,000*l.*; likewise to the Edinburgh normal school an annual grant of 500*l.*; to the Glasgow normal school an annual grant of 500*l.*

And, generally speaking, a very large advance — a progressive advance — has been made in the foundation of schools throughout Great Britain; and at the present moment there are awaiting the annual Vote by Parliament no less than 220 matured applications for building schools and schoolmasters' houses in England only.

"Since 1833, there has been expended of public money, for the erection of schools in Great Britain, 323,000*l.* The grants have been in the proportion of between one-third and one-fourth of the advances from private funds."

More than one million, therefore, has been expended in the last twelve years on the building of school houses and masters' houses in Great Britain only. The annual grants made by the National Society amount to 6,000*l.* per annum. In addition to this expenditure, within the last eighteen months, they have raised by subscriptions no less than 150,000*l.* for the further prosecution of their laudable object. Nor have the Dissenters been behindhand in emulating the National Society in this great and good work.

"70,000*l.* has been raised by Congregational Dissenters, in addition to their annual subscriptions, and at least 75,000*l.* has been raised by the Wesleyan Methodists for similar purposes."

There are 70 masters and 35 schoolmistresses now training in the national establishment in connexion with the National School Society; and while the Resolution of the noble Lord applies only to Great Britain, there are circumstances relative to another part of the Empire to which I must refer, and to which I drew the attention of the House on a former evening. The national schools in Ireland have been doubled within the last five years. There were in connexion with the National Board in Ireland—

"In 1839, 1,581 schools, and 205,000 children in progress of being educated. At the present moment there are, in connexion with the National Board in Ireland, 3,153 schools, and 395,000 children receiving education."

The National Education in Ireland may challenge comparison with similar establishments in any other country of Europe, not even excepting Prussia, where the education of the people is compulsory. I think I have now shown successfully that Her Majesty's Government has not

been backward in its efforts to accomplish those objects, upon the importance of which the noble Lord dwelt with so much emphasis, and on the necessity for paying an assiduous attention to which he justly, in my opinion, laid great stress. At the same time, I am perfectly ready to agree in the observations that have been made with respect to the insufficiency of the amounts granted for the educational wants of England and Scotland, and for the better endowment of normal schools. Now, with respect to another branch of the moral improvement of the people, I think I may refer with propriety to a recent measure of my right hon. Friend who sits near me, which has been eminently instrumental in promoting the moral and religious training of the people: I allude to that measure by which the Ecclesiastical Commissioners for England and Wales have been empowered, without being compelled to resort to the public purse, to build churches, and to place endowed ministers in the densely populated manufacturing districts. This measure has only been in operation twelve months, and within that space of time there have been 13 new churches built; 37 are now in the course of construction, and 47 more are contracted for. It will thus result from the first operation of my right hon. Friend's measure, that 97 new churches will have been built, or are about to be built, during eighteen months. For a population of 656,157, who were almost destitute of spiritual instruction, there has been permanent endowment granted to no fewer than 206 ministers of the Established Church. Altogether, I think that this will show to the noble Lord an attention on the part of Government to the moral and religious instruction of the people, which perhaps will induce him to admit, upon reflection, that we have not been negligent of our duty in this particular. I have now gone through the principal topics of the noble Lord's speech; but before I sit down, I will ask the House to recollect the general result of the statement which I have felt myself called upon to make. I have shown, that for the last three or four years there has been a most remarkable revival in the trade and manufactures of the Empire—that wages have increased during that time—whilst there has been a corresponding reduction in the prices of the necessaries as well as comforts of life, and likewise a diminution in the amount of crime, as well as in the extent of pauperism. So much for the physical part of the people's condition. Then, as to moral improvement, I have shown that, without having had recourse to forced emigration, the surplus population has been aided by the Government in its departure to the Colonies to a very considerable extent, and labour has been directed to those parts of our Colonial possessions where it was most needed. Instruction, and the means of joining in public worship, have also been most extensively provided for the people; and, on the whole, I think the account I have now rendered will be regarded as affording indubitable proofs that there has been no neglect of duty on our part; on the contrary, I think the public will be of opinion that we have discharged that duty, animated by a faithful desire to promote the interests and the happiness of all classes of Her Majesty's subjects, but more particularly the interests and happiness of the humblest and most helpless orders of the people. I will not dwell further upon the question before the House; but I shall content myself with saying, that the affirmation of the Resolutions of the noble Lord, and his presentation of them in an Address to the Crown, would be regarded in this place, as well as by the country at large, as a declaration of the opinion of this House that our measures had not been of a satisfactory nature, and that we had not performed in a proper and efficient manner those duties which are confided to us. To the substance of the Resolution of the noble Lord which admits that trade and commerce are prosperous, I can have no objection whatever. But for the reasons I have stated, I must meet it by moving the "previous Question." To arrive at that "previous Question," however, it will be necessary, in the first instance, to negative the Amendment of the hon. Member for Rochdale (Mr. S. Crawford). I can hardly suppose that that hon. Gentleman will be inclined to press his Amendment to a division, but will rather consider it as a record of his opinion with reference to the necessity for a large extension of the suffrage. If, however, he perseveres in his Amendment, it will be my duty to vote against the Amendment, and ultimately to move the "previous

Question" upon the original Motion of the noble Lord.

Sir *C. Burrell* said, that though he had not had the good fortune of listening to the speech of the noble Lord the Member for London, he understood from a Friend of his that the noble Lord made some observations with respect to the county of Sussex. He believed that the noble Lord misstated the facts, with respect to that county, no doubt not intentionally, but from misapprehension or misinformation, and he thought he was, therefore, bound to set the noble Lord right upon the facts; and feeling it to be his duty he would do so when required, indifferent as to the smiles of any one. The noble Lord singled out the county of Sussex as an ill-informed and ill-educated county, and in the gaols of which there were a great number of prisoners. But perhaps the noble Lord was not aware that the population of that county was a very changeable one, a great proportion of the population being derived from London, who had great facilities of going down to Brighton and the eastern coast, and amongst whom were many bad characters. One of the county Members informed him that not less than one-third of the prisoners in the eastern gaol came from Brighton. With regard to the education of the county, he could say for that part of it in which he spent his time, many schools were established, and most of the parish gentry assisted in educating the children of the common people. It was not his intention to enter into the subject of the noble Lord's Resolutions, having risen to state his reasons for thinking that the noble Lord unjustly aspersed the population of the county of Sussex. With respect to the rate of wages, he could only say, that in his own neighbourhood there were very few persons from it in the workhouse, and he never heard from the labourers of Sussex that they were not satisfied with the wages which they received. He was sure the noble Lord, having been misinformed on the subject, would be ready to withdraw his aspersion on the county of Sussex.

Lord *J. Russell* said, that what he had said was, that it was generally the custom of the British and Foreign Society to state from the gaol returns what the state of education was in the different gaols, and he only read a paragraph from their Report, in which amongst other gaols, that of Sussex was mentioned. He did not wish to cast any aspersion on the county of Sussex.

Mr. *Labouchere* said, he could not help thinking the right hon. Gentleman the Secretary of State for the Home Department had expected to hear from his noble Friend a very different speech from that which he delivered, and had prepared his answer accordingly. The speech of the right hon. Baronet was a defence of the Government from attacks which never had been made by his noble Friend. The main point of the right hon. Gentleman's speech was, that they were indebted to the present Government for many useful measures. He would be the last person to deny that in reference to trade, and the extension of education, many useful measures had been introduced by Her Majesty's present Government. But that was not the question. His noble Friend, at a time when there was an impression in the country, in his opinion an exaggerated impression, of the extent of the misery of the lower classes; and, above all, of the power which that House had, by direct legislation, of applying a remedy to this distress, took the wise and patriotic course of calling the attention of the House and the country to the subject, and putting on record his opinion of those legitimate means of relieving the misery of the working classes, and pointing out the proper remedy for it, instead of those wild and empirical schemes which were presented to the public in speeches of no ordinary talent. That was a wise and patriotic course to pursue, and in most of what had fallen from his noble Friend he entirely concurred; and also in much of what had fallen from the right hon. Baronet. In truth, the speech of the right hon. Baronet might have been delivered in support of the Resolutions of his noble Friend; and he might at least consider it as an indication of the opinions of the Government as to the course they meant to pursue in regard to those Resolutions. The right hon. Gentleman pointed out with satisfaction the comparative prosperity of the country at the present moment, and the flourishing condition of trade and manufactures. But to what did he trace the prosperity? To low prices. The present prosperous state of the country only proved to him, if indeed the sub-

ject required further proof, that prosperity and high prices were inconsistent with each other. And in the present condition of the country, when the population was increasing in the frightful ratio that had been alluded to, it became more and more the first duty of the Legislature to take care that the dreadful evils of high prices might not be again inflicted on the country. It was true the right hon. Gentleman attributed both the prosperity of the country and low prices to the present Government; but when he was reminded that good seasons might have done as much as good government, he admitted that good seasons might have those beneficial effects. But in his (Mr. Labouchere's) opinion, it was far too precarious and unstable a basis for them to rely upon the seasons. Still, making every allowance for the goodness of the seasons, the right hon. Baronet claimed some merit in producing prosperity and low prices for the measures of the Government, which was rather in curious contrast with what he sometimes heard from the right hon. Gentlemen opposite, when they assured those around them that the measures they proposed would have no sensible effect on the price of corn. However, assuming the argument to be correct, and that the measures of Government had the effect of keeping prices down, what an encouragement was not that to them to proceed in the same course! Throw open those channels of supply, which would be the surest means of preventing a recurrence of those high prices which they were agreed would be a dreadful source of misery. Those were general views upon the matter, and it was not his intention at that time to go into any details. He thought his noble Friend took a wise course in putting on record those measures which the House ought to take in reference to the condition of the country, and he thought the present period of tranquillity and prosperity was eminently favourable to the consideration of a question which could not be debated with equal advantage if they were surrounded by a state of difficulty and distress. The country, as stated by the right hon. Baronet, was in a state of great commercial prosperity; and a contented population, diminished crime, and all those other advantages which a prosperous condition produces in a country like this, were the happy result. But there were persons—men whose opinions ought not to be lightly disregarded, who said that this bright prospect might be soon overcast—who perceived circumstances in the condition of the country which might speedily lead to an altered state of things. And they drew their auguries from those very speculations which the right hon. Gentleman alluded to as exhibiting so much wealth and energy. It was, therefore, wise and patriotic in his noble Friend, availing himself of the high estimation in which he was held, whether in or out of office, to place on record, in no party spirit, that line of policy which, in his opinion, the Legislature ought to pursue. Every day that passed by convinced him more and more, not only that their only wise course, but their only course of safety, lay in an energetic pursuit of a liberal commercial policy, upon which he believed the future prosperity and commercial greatness of the country depended. He never had been one of those who thought that with one dash of the pen they ought to strike out all their Custom laws; and he believed that a complete unqualified free trade was not advocated by the great body of the mercantile men of this country—he meant mercantile men as distinguished from manufacturers. But, though he did not go to that extent, he was ready to admit that it was in that direction they ought to move, by steady and active steps. Above all, he would implore of the Government to take into consideration the question of the Corn Laws. It was impossible for him to enter upon the discussion of the question of the Corn Laws incidentally. He would only say, that his differences with the Government were not so much differences upon principle, as differences with regard to the mode in which they thought it right to carry out those principles which they professed in corn, and especially in regard to the two most important articles of corn and sugar. He would not now recapitulate the objections which he urged on former occasions against the manner in which the Government acted with regard to those most important articles. He was always of opinion, that whatever claims the landed interest might have to some protecting duty, they could have no possible claim to a protecting duty being put in a shape which deranged all the com-

merce of the country. And, with regard to sugar, he now felt more strongly than ever the error of the Government in the course which they adopted respecting it. Every post that arrived from Brazil brought into this country accounts of the state of feeling there produced by the measure adopted here—strengthened more than ever the objections he entertained to the policy of Government on the sugar question. The Government of England had set an example to others which they ought to be the last to set, and which might one day be fatally turned against themselves. There were those who were jealous of England's commercial greatness, and who would be anxious to avail themselves of their example in striking a blow at her commerce in other foreign countries. He trusted that Government would reconsider their policy in this respect. So far from accomplishing the object they had in view—that of discouraging the Slave Trade—the consequence of the measure was, that Brazil refused to have any slave treaty with them till they struck from their Statute Book what they considered a national insult. On a future occasion he hoped he should have an opportunity of more fully discussing those questions. He would only now say that he would cordially support the Resolutions of his noble Friend. He did not think that his noble Friend would gain anything by bringing forward his Resolutions in the shape of measures. His noble Friend seemed to him to have taken the more prudent course, and he would join with his noble Friend in recording his opinions as to the measures which he thought it expedient to adopt.

Sir *J. Tyrrell* said, that at the present advanced period of the Session, and in the press of public business, he did not think it would be discourteous to the noble Lord if his multitudinous Resolutions were pronounced to be an intrusion on the time and patience of the House. But he considered that parties in that House were in an extraordinary position, inasmuch as they had the spectacle of an irresponsible Opposition doing the work of the Government, and they had the First Minister of the Crown as it were deserted and abandoned by those who hitherto stood foremost to support him. The noble Lord, in his speech, alluded particularly to the restrictions on corn, feeling that that was the battle field on which was to be decided the question—who were to be entrusted with the Government of the country? The noble Lord also alluded to the Poor Law and the position of the lower orders; but he thought that the noble Lord had done great injustice to the agricultural interest, inasmuch as there would be a great fund at the disposal of the Government for the relief of the poor, if only some Minister thought fit to make those large masses of property which existed in the country subject to the poor rate. By the 43rd Elizabeth, it was intended that all persons should contribute to the poor rate in proportion to their means. If that intention had been carried out, a large fund would be at the disposal of the Legislature for the relief of the poor; but now, while agriculturists were heavily rated, manufacturers and others escaped from contributing their fair proportion. The right hon. Baronet (Sir R. Peel) was very ready to make concessions to the manufacturing interests, and altered the Corn Laws to give them relief; but refused to relax any portion of the malt tax for the benefit of the agriculturists. It had been remarked that the agriculturists were a powerful body; but that they were not in a position to form an agricultural Administration. Be that as it might, they thought they had already done so. He for one did not consider that a greater proof of the want of intellect of that body, than he should consider it a want of hospitality on the part of any nobleman or gentleman that he had not got two sets of butlers or cooks. On looking on that (the Treasury) Bench below him, his allegation was, that they (the Ministry) had betrayed confidence, and they (the agriculturists) must look elsewhere for support. The noble Lord opposite was gradually withdrawing protection, and had now himself adopted a sort of sliding scale for this year; he proposed only a duty of *5s.* There was very little real difference between the opinions of the noble Lord and those on that (the Ministerial) side of the House. He (Sir John Tyrrell) was indebted to the noble Lord for bringing forward the Resolutions; but regretted he could not vote for them, because they were not practicable. The noble Lord never intended they should be so. The noble Lord had spoken of the distressed condition of the lower orders; but he (Sir John Tyrrell)

believed the low wages of the labouring classes was occasioned by the want of confidence generally felt in the measures of that House by all those concerned in agricultural pursuits. Some of the dogmas of Gentlemen opposite might be theoretically correct, but they were practically inexpedient. Very little attention was now paid to the interests or the claims of the agricultural body; but if a dissolution of Parliament took place to-morrow the columns of *The Times* would echo the importance of that interest; and when again they came to count noses in that House there would be a great change of men, if not of measures.

Viscount *Pollington* congratulated the House on the temperate tone in which the present debate had been carried on by hon. Members on both sides of the House. If the hon. Baronet who last addressed them had withdrawn his confidence from the right hon. Baronet at the head of Her Majesty's present Government, it did not appear that he had transferred it to the noble Lord opposite, who had introduced the Resolutions then under the consideration of the House. With regard to the Corn Laws, he could only say, for his own part, that he did not regard their eventual repeal with all the alarm which was manifested by many hon. Members at his side of the House. And if the House was to undertake an alteration in the existing arrangements with respect to those laws, he for one would have much more confidence in any proposition with this object, coming from the right hon. Baronet the First Lord of the Treasury, than he would have in one emanating from the noble Lord the Member for London. The noble Lord stated in his first Resolution—

"That the present state of political tranquillity, and the recent revival of trade, afforded the House a favourable opportunity of considering of such measures as might tend permanently to improve the condition of the labouring classes."

Now, he would confess that when he considered the terms of that Resolution, he had felt considerably disappointed on hearing the speech of the noble Lord, and at the absence of all allusion to the condition of those large bodies of the labouring classes in this country with whose interests the noble Lord the Member for London had identified himself in the support which he gave the proposition of the noble Lord the Member for Dorsetshire (Lord Ashley). He felt exceedingly grateful to the noble Lord for what had been done in this respect, and he trusted to see the principle which was then laid down still more fully and practically carried out. He was fully aware, however, that in all that might be attempted by them in that House, they might be only able to touch the surface of the social evils under which the labouring classes suffered. There were other modes for alleviating the condition of the working classes, and which were thrown as it were, by Providence itself, open to their adoption. Large tracts of fertile land, with soil and climate in harmony with our own, and which had long remained hidden from us, were providentially exposed to our knowledge just at the present juncture of affairs, when they could be advantageously occupied. Our Colonies were a great resource, and he considered a good system of colonization would be very advantageous. The word emigration was not a popular word, neither did he much approve of the meaning which was attached to it. Emigration was supposed to be a means of getting rid of our superfluous population; but colonization had higher claims to consideration and approval, for it looked to the happy settlement of those who went to our Colonies, in the land which they adopted as their homes—it looked to their happiness, to the extension of the blessings of civilization, and the spread of Christianity in those distant lands. The noble Lord had made no allusion, in the course of his address, to the manner in which our present convict system interfered so much with the beneficial operation of colonization, although he might perhaps have done so with useful effect. The most casual examination into this subject, even by no other means than a reference to the blue books they had in that House, would show what almost irreparable injury that convict system had done to our Colony of Australia. The treatment the aboriginal inhabitants met with was also very reprehensible. It was not on such principles that Colonies were formerly founded. There was one other subject connected with the present discussion to which he wished briefly to refer, and that was the systematic education of the people. Two or three years ago a plan for this purpose had been proposed by the present Government for the education of the people of this country, but it had called forth at the time a strong manifestation of opposition. Now, he did think the present Government had

acted rightly and wisely in yielding to that feeling, and he believed that feeling to be, that a combination of religion with education was the only proper systematic kind to be adopted. For his own part, he considered that education without religion, was worse than no education at all.

Mr. *Villiers* said, he had been attending to the debate for some hours, and had been listening with some anxiety to the statements made on both sides of the House. He had done so in order to learn, if possible, whether, either from the proposition suggested on this side, or the opinions expressed on the other, he might not be spared from again making that Motion which he was in the habit of annually proposing to the House. The question of the Corn Laws, he thought, was distinctly raised by the Resolutions of the noble Lord; and he regarded it, as it appeared, in precisely the same light as himself. There were many things embraced in the Resolutions which the noble Lord had proposed; but he thought that anybody who had listened to his statement must have seen that the real question upon which the discussion must turn, was upon the policy of what is termed the Protective System, and upon the mode of dealing with a system which, according to his own account, had such a very important bearing upon the subject he had submitted to the House. The noble Lord brought before the House the condition of the people, and the mode by which that condition could be improved. The noble Lord, in doing this, referred to many things which doubtless had been, of late years, productive of great evil to the people; but he found that for these remedy was either too late, or that Parliament had no control. But he pointed out some that he found were within the power of the House, and to which he especially directed their attention. Amongst the foremost of these, the noble Lord had very properly placed the system by which the necessaries of life were artificially raised for the purpose of favouring a particular interest that preponderated in the House. He traced it in its connexion with the whole well being of the labouring classes, and he found it productive of the most enormous evils. The object of the noble Lord being, then, to direct attention to the wants of the people, and the policy and propriety of doing something to elevate their condition, the interest of the House was naturally drawn to what he regarded as the prime cause of evil, and which he properly alleged had been occasioned, and was maintained by that House. He wished his noble Friend had been more distinct in the mode he proposed of dealing with it. It would have rendered his case more complete. He should have liked to have heard it proposed that an evil so clearly established, and so enormous in its character, should be abolished. The admissions made to-night of all the ground on which he had always rested that proposition, had doubtless been most satisfactory. The right hon. Baronet opposite had really laboured to prove the great advantage to the community, and to the labouring classes in particular, that had resulted from reducing the duties imposed for the purpose of protection; he had certainly also endeavoured to show that some restrictions that had not yet been removed were beneficial to the people. But such arguments, he thought, might be viewed in the light of those which the hon. Baronet the Member for Essex had called that evening as productions intended for the consumption of that House alone. But the right hon. Gentleman's admission and evidence as to facts upon the subject of protective duties, were most valuable; he, in fact, established the case that the failure of protective duties, resulting, as it did, in plenty and cheapness, was of the first advantage to the people. He hardly knew where, if he had wished it, he could have procured more satisfactory evidence upon that point; if the House had decided, as it was once requested, to hear evidence at the Bar, on this subject, he knew not where a witness could have been found, whose testimony would have been more full and conclusive than that of the right hon. Gentleman's. The opponents of the present Corn Laws, always endeavoured to show what would be the effect on the people of a low price of food; which was the great evil anticipated by their opponents—freedom of trade. The prices of late had been low, arising from plenty; and the right hon. Baronet had come forward to tell them what—as far as he had been enabled by his official position to observe its influence—had resulted from it. He told them, then, that he was happy to announce that the people had been generally very well off under it; that they had been well employed; that there had been fewer of those mischiefs and evils consequent on poverty and discontent than had been observed before: he contrasted most satisfactorily the present period, when the price of food was low, with the years of 1840 and 1841, when they were high, and having

reminded the House of the frightful amount of misery and suffering that existed in those years, he proceeded to show the coincidence of low prices with the diminution of pauperism, crime, and destitution, and the great extension of comfort and well being among the poor. The right hon. Gentleman, from his official situation, was a great authority upon the influences which affect the extent of crime in the country. He observed its invariable increase, with the increase of poverty; and he stated, that of late crime had diminished; and he observed that this has occurred at a time that food has become more cheap. The right hon. Baronet seemed to have made a careful inquiry into the condition of the people under the circumstance of food being cheap and abundant. He had ascertained what the rate of wages had been of late, compared with the period when food was dear. He had told them, not only that universally in the manufacturing districts they had risen, but he had the satisfaction of informing them that they had likewise improved in the agricultural districts—that the condition of the labourer in those places, tested by any or all of the evidences of the fact, were found to be improved, in comparison with years in which it was dear. There was less expended in parochial relief—fewer out of employment — less privation and misery, than in those very years when, food being dear, the great purpose of what is termed protection to agriculture had succeeded. In short the right hon. Gentleman's reviewing the condition of the working classes during the two periods, past and present, presented to them a contrast the most striking and conclusive in favour of the period when those much dreaded results of abolishing the impediments to trade, and, above all, to the trade in food, had been peculiarly manifested. But the right hon. Baronet was, very properly, not satisfied with merely marking the recent improvement in the condition of the people; he deemed it his duty to express his opinion as to its cause, and he had not hesitated to declare, that it was to be referred to the great reduction in the price of all the prime articles of necessary consumption. He had detailed to the House the prices of these different articles during these two periods of the good and bad condition of the people, which he had so closely considered; he had reminded the House of the particular prices of wheat, of flour, of meat, of sugar, and of other articles now considered as necessaries during the dear years, showing the precise reduction in each, and had himself ascribed to that reduction that improvement in the people to which he has so satisfactorily invited their attention; in short, the right hon. Baronet appeared determined, convinced as he was, obviously, of its justice, to establish the case of the opponents of protective duties. He had shown how the results of abolishing the system which made the necessaries of life dear would operate for the advantage of the people; he had fully exposed the fallacy of the notion that the removal of those duties would deteriorate the condition of the people. He had left no doubt, indeed, of the blessing of cheapness and plenty to the community, however procured; and this, as regarded food, had chiefly resulted from an unusually abundant harvest of the year before. But what was still more to the point, as showing that it was in the power of that House to secure these blessings to the people was, that he proved that in many respects this had been produced by the measures of the Government, which had for their object the diminution of those duties and taxes that were imposed to enhance the price of those articles of general demand. He had that evening engaged the attention of the House by showing on what the condition of the working classes depended, and how much they had it in their power by legislation, or by changing the system, of improving that condition. It was impossible, therefore, to overrate the importance of the right hon. Baronet's statements and opinions upon this matter, speaking, as he did, on the authority of his official situation, and representing, as he did, the Government who had still the support of a large majority in that House. The noble Lord who had brought this subject before the House had expressed his opinion that the working classes had not of late years advanced relatively with the wealth and prosperity of the country—that while the wealth of individuals, and the accumulation of capital, had been extended in a wonderful manner, that a corresponding progress in the condition of the people individually had not been observed; and that they had, in fact, declined in comparison with their former condition, and with reference to the condition of those above them; and it was the noble Lord's opinion that this had been occasioned, and could be traced, to the partial and impolitic system which, for the purposes beforementioned, had been maintained by the Legislature. The opinion of

the noble Lord was corroborated by the important statement made by the right hon. Baronet opposite, who discovered that the people improved as that system was mitigated. These views were certainly propounded by them at a most important period; for there appeared a sort of general consciousness that something was wrong, that something ought to be done. There never was a time when there was a more liberal display of sympathy with the poor, or when more individuals, actuated either by fear or benevolence, were more ready in suggesting particular remedies for particular distress, or in administering partial relief to the people at large; the specifics, however, having this particularity in common, that they all fell short of the requisite sacrifice of self-interest to accomplish the object. It was always for anything but the abandonment of the system which they were interested in upholding. It was at this moment that the noble Lord came forward and said, "True, the condition of the people is not what it ought to be; but away with all your pretended sympathy for the poor, unless you relieve yourselves from the charge, that for the purpose of promoting your own interests you are yourselves the cause of their deterioration." The noble Lord told the majority in that House, that the system which was proved to be so prejudicial to the people, was upheld by them to serve their own interests; and the noble Lord had that evening charged the Legislature itself with being the cause of the deterioration, or the impediment to the progress of the people, by having enacted, and by still maintaining laws for the avowed purpose of artificially rendering scarce the necessaries of life. So far he entirely agreed with the noble Lord; and he thanked him for giving his authority to the views so often taken by himself and those around him on this subject; but as far as he could collect the noble Lord's views as to the remedy to be immediately applied, he could not agree in his conclusion that we should stop short of abolishing altogether, and at once, a system proved to be fraught with great, unqualified, and enormous evil. He could not understand how, after this evening, there could be any hesitation as to the course to be pursued; for the case which many had laboured to establish to show the justice and propriety of the remedy they proposed, had been admitted and confirmed on both sides. The noble Lord's view of the condition of the people embraced what was required to raise them morally as well as in their material condition; but the noble Lord very properly admitted, that these privations which the Legislature imposed upon the people by what was termed protecting particular interests, impeded their moral progress—that the people had no means for educating themselves or their families, and that their minds were unprepared for instruction or moral culture of any kind while they were struggling to obtain a bare subsistence. In that view he had been supported completely by the right hon. Baronet, who had pointed to the results of dearness of food. If any man wished in future to know the effect of high prices upon the people, he would only have to refer to the right hon. Baronet's speech that night. The condition of high prices, according to him, would be a return to the years 1840 and 1841; and let any man study the state of the people during those years who wished to know what were the results of that system which had in view to make the necessaries of life scarce and dear. They had obtained, then, that evening something like an authoritative agreement as to the cause of great evils that influence and affect the condition of the people. The question then arose, why was this cause of evil to be continued, if there was an honest desire to raise and improve the people? They were to hear, he supposed, that these low prices had occasioned great discontent among a very influential class, and that the Government had lost the confidence of many friends for the changes which they had already made. But those hon. Gentlemen must now remember the novel position in which they were placed. While it was contended by their leaders that high prices were of advantage, and that they benefited the people, it was a ground on which they could rest their defence of the system by which those high prices were produced; but now the matter was altered, and he should be glad to see how Gentlemen opposite would settle this matter among themselves in future. One party among them called for high prices and protection; the other showed them what were the consequences of high prices. "Get what you want," said the right hon. Baronet, "and you will bring the country back to the state of 1840 and 1841—a state that I almost tremble to contemplate, so terrible to the poor, so alarming to the State." That was the position in which they were placed. They complain of the present state of things: the expected price not being

reached by 10*s.* a quarter for their wheat was really the grievance of which Gentlemen opposite complained. Because wheat was low they mistrusted the Government; it was only 46*s.*, it ought, according to expectation, to be 56*s.* But it turned out as it was declared on their own side, that what occasioned their disappointment, occasioned at the same time the well being of the people. When hon. Gentlemen opposite, then, complained of the Government, and called for high prices, they were in fact complaining, that there was not more crime, more misery, more disease, more death, and more of all those evils the mitigation of which the right hon. Gentleman had traced to cheapness and to the reduction and modification of the protective system. He contended that, at this moment, that was a fair statement of the case; for, as he said before, nobody stood up now for there being any advantage to the people and the poor in high prices; though some, it appeared, called for them still. He concluded, when the hon. Baronet the Member for Sussex had risen to follow the right hon. Gentleman, that he was going to show the fallacy of his views, and to prove, from what he had seen around him in the country, what calamities befell the poor from what they termed agricultural distress, or, in other words, a low price of food. He thought that he was going to show what he and others had always predicted of low prices, namely, the land thrown out of cultivation, and the poor deprived of their employment; but what had been their astonishment when they heard the hon. Baronet, in vindication of his particular county, and in answer to the noble Lord, assert, as within his own knowledge, that the labourers around him were never better employed, and were never receiving higher wages! He said he paid no less than seventy of his own every week, for every one of whom he found profitable employment; and he spoke generally for the county which he represented—a happy state of things, which it appeared was quite compatible with that price of wheat which it had been asserted for years past would produce so much ruin and suffering; and in consequence of which the Member for Essex was about to withdraw his confidence from the Government. Did any man doubt but that that was the ground on which the hon. Baronet withheld his trust in the Ministry? He expected more shillings a-quarter for wheat; he thought the Ministers should have managed this for him, and not have raised his expectations. He was angry that the protective system had not been maintained; but he forgot that its failure had been proved to be a blessing to the nation; and though he might still call for its continuance, he (Mr. Villiers) wanted to know why it was to be continued—why, if what had been said was true to-night it should not be abolished, and with such unequivocal proof of its mischief to all parties, why it should not be abolished immediately. That was the point he wanted to come to—the mischief and error of the system being established, why not remove it? He knew the usual things said upon the occasion about carefulness, and uncertainty of the experiment, and all that sort of thing; but he contended that the noble Lord was not satisfied in showing the enormous mischiefs of the system, but he showed that whenever any part of it had been abolished, whether immediately or gradually, senseless alarms had been raised, which subsequent experiment proved to be idle and ill-founded. The noble Lord referred to several cases: he mentioned the foolish things he had heard said and expected upon those occasions; and in every case nothing but advantages to the community, and the interest itself affected, had resulted from it. The noble Lord had alluded to the case of wool, in which the duty had been totally repealed, and pointed triumphantly to the result; he had referred to the case of silk, to show the folly of the alarmists in that business, and the success of the change. The noble Lord had no fear of totally and immediately removing all duties on manufactures, feeling satisfied that nothing was so beneficial to those interests as the influence of competition. What were then his fears about agriculture? The effect of protection to that interest, he had spoken of with peculiar emphasis in the beginning of the Session; of the evil to the public he had since left no doubt of his opinion. There was no instance that could be named, in which the interest had suffered so much and so frequently as agriculture under protection. They were complaining then, though the rest of the country was contented and prospering. That the farmers had reason to complain, he had no doubt—they had been deceived, he knew; but their grievance was, in truth, one which they might and ought to settle with their landlords. The landlords assured them that they would get a price sufficient to pay them a high rent; let the landlords redress the wrong they had inflicted. If the farmers had been dis-

appointed, they had no cause to complain of the House, or of the Ministry, who were bound to consider the interests of the community at large. Agriculture was protected at that moment at the rate of 50 per cent., while no other interest received more than at the rate of 20 per cent.; yet agriculture was said to be never so depressed. The fact was, there was not a pretence for its continuance, after all the evils admitted to follow from it—without any advantage that can be named, except it were that panic might seize those to be affected by the change, and produce evil—that need not of necessity result from free trade. But he asked the noble Lord whether he really believed that the mode in which he proposed to prevent that would be attended with any advantage. He was afraid of the shock of too great a change; yet could he really suppose that any ignorant, or timid, or interested agriculturist would have his fears or feelings allayed by a proposition such as he now made, which would pass at once from the sliding scale to a 4*s.* fixed duty, with the prospect of ultimate abolition? He thought that this plan could not be received with much favour by any party; no reason could be assigned for the continuance of any tax on food with the view to raise its price, after the admission of its evil influence upon agriculture itself, and while its injustice and inhumanity to the people would be more obvious than ever. He thought the noble Lord had done much good by raising the discussion, and the noble Lord deserved much credit for the courage he had shown in facing the general opinion of the House against his Resolutions. He had elicited very valuable statements from the other side; but in so doing, he must only thank him for having prepared the way for the Motion that he must make for the entire relief of agriculture—for that unqualified advantage to the community at large, which the noble Lord was bound himself to consider would follow from the repeal of the Corn Laws.

Mr. *F. Scott* contended that for food to be permanently cheap to the lower classes, it must be the produce in abundance of their own soil, and that it was owing to the increase of that abundance and productiveness in the present time that the existing low prices were attributable. But it was of no use to the poor man that he should have his loaf cheaper in price by twopence, if they deprived him of the twopence with which not follow the price of corn, he contended that they did in general, though not always immediately, inasmuch as they were influenced by supply and demand; and that demand would not be increased if they increased the supply of corn from foreign countries. They could not have better wages for the poor if they diminished their means of employment at home. He was not disposed to place the labour market of this country under the control of the manufacturers, however much he might be otherwise disposed to respect them. It was now denied that the repeal of the Corn Laws would reduce wages; but had not one of the arguments in favour of that repeal been that it would bring down wages to the continental level. It was said, that if we imported corn, continental nations would take our produce in exchange; but, so far from that being the case, all our experience showed that nothing could be more fallacious. Now, with respect to rents, he would venture to say, that compared to the cost of production, rents were lower in this than any foreign countries. The rent amounted only to 2-16ths of the produce of the land, whilst the cost of the labour employed in manufactures amounted to 11-16ths of the produce. Thus the manufacturer had a greater interest in depressing his labourer than the landlord had in raising his rent. On clay lands the rent was not more than one half, and on light soils it was not more than one-third what it had been during the war. It had been argued that the wages of the poor man remained the same; but, though its money amount might be nearly the same, yet its power to purchase all articles of necessity was considerably increased. M. Dupin, in the papers which he had published in France, had shown that in the prime articles of consumption, such as wheat, beer, sugar, and similar articles, the English labourer was much better off than the labourer of France; and the hon. Member for Bristol had shown, that of all the great articles of consumption, the English labourer could procure more for his wages than the labourer of any foreign country. It had been charged upon those who supported the Corn Law, that their object was to depress the labourer. It was rather hard to make a charge of that kind against the present Government, who had done so much during the last three years to reduce the price of all the

he was to purchase it. Though it was said that the wages of the poor man did great articles of consumption, whilst their predecessors, during the ten years they had been in office, had done nothing of the kind. Never had a Government, in a short space of time, done so much as the present Government to carry measures calculated to confer benefit on the community. He was not disposed to go to the opposite extreme, and blame the Government because they had not devoted all their attention to one interest. He thought that it was far wiser and better to take an enlarged view of all interests, and do that which would be best for the interests of the country at large. This was a view which was entertained by many enlightened agriculturists, who felt that at a period of the kind some sacrifice must be made. He believed that the agriculturists would best discharge their duty by endeavouring so to act as to attach the lower orders of the people to them.—Debate adjourned.

House adjourned at one o'clock.

HOUSE OF COMMONS,
Wednesday, May 28, 1845.

MINUTES.] BILLS. *Public.*—2°· Roman Catholic Relief; Coroners (Ireland); Scientific and Literary Societies.

Reported.—Canal Companies Tolls; Canal Companies Carriers.

Private.—1°· Brighton, Lewes, and Hastings Railway (Hastings, Rye, and Ashford Extension).

2°· Bermondsey Improvement (No. 2).

Reported.—Shepley Lane Head and Barnsley Road; Edinburgh and Hawick Railway; North Wales Mineral Railway.

3°· and passed:—Castle Hill (Wexford) Docks; Cromer Protection from the Sea; Manchester and Leeds (Burnley Branch, and Heywood and Oldham Branches Extension); Leeds, Dewsbury, and Manchester Railway; Edinburgh and Glasgow Railway; Huddersfield and Manchester Railway and Canal; Huddersfield and Sheffield Junction Railway; Chester and Holyhead Railway; Shrewsbury, Oswestry, and Chester Junction Railway; Blackburn Waterworks.

PETITIONS PRESENTED. By Mr. S. Crawford, from several places, for Extension of Parliamentary Suffrage.—By Mr. Feilden, from Laintfield, for Encouragement to Schools in connexion with Church Education Society (Ireland).—By Mr. W. Miles, and Mr. T. Mackenzie, from Bath Easton, and Logie Easter, for better Observance of the Lord's Day.—By Mr. T. Mackenzie, and Mr. W. Miles, from several places, against the Grant to Maynooth College.—From Clergy of Liverpool, against Union of St. Asaph and Bangor.—By Sir Howard Douglas, from Bankers, Merchants, and Traders of Liverpool, for Enforcing Observance of Treaty on the Government of Buenos Ayres.—From Merchants, Shipowners, and others of Liverpool, for Repeal of Duty on Copper Ore.—By Mr. Somes, from the Committee of the Steam Shipowners' Association, for Reduction of Tolls and Dues levied by Lighthouses.—By Mr. Mackinnon, from Slowet, for Inquiry into the Anatomy Act.—By Mr. Miles, from Attorneys and Solicitors of Bristol, for Removing Courts of Law and Equity to Inns of Court.—By Mr. Roebuck, from several places, complaing of Maladministration of Justice in the Island of Guernsey.—By Mr. Miles, and Mr. Spooner, from several places, for Repeal or Alteration of Insolvent Debtors Act.—By Mr. Yorke, from Attorneys and Solicitors of York, against Justices' Clerks and Clerks of the Peace Bill.—By Mr. W. Miles, and Sir H. Douglas, from several places, against Merchant Seamen's Fund Bill.—By Mr. Miles, Mr. Plumptre, and Mr. Ryder, from several places, against Parochial Settlement Bill.—By Mr. Miles, from Bath Easton, for Alteration of Law relating to the Sale of Beer—By Mr. Scott, from the Presbytery of Kelso, for Alteration of Law relating to the Sale of Intoxicating Liquors (Scotland).

CHANGE IN THE CIRCUITS.] Mr. *Watson* wished to put a question to the right hon. Baronet opposite, in consequence of a report which had been circulated in the newspapers. It had been stated, that a division of the Northern Circuit was about to be made, by taking one half of the business from the circuit, and putting it on the Norfolk Circuit. He wished to know if it was true that any such absurd regulation had been recommended by the Commission of Inquiry, or was about to be adopted? He wished to know whether it was specified in the Commission itself, or in the instructions given to the Commissioners, that they were not to take into consideration the question of appointing two additional Judges in Westminster Hall, and if they had been prevented from doing so? He wished to know also, whether it had been well considered, with respect to the administration of the law, that the existing state of things should be altered; for he believed that no single client, or any human being representing clients, had ever made any complaint against the existing system?

Sir *J. Graham:* I really am at a loss how to answer the hon. and learned Gentleman's last question. The hon. Gentleman said that no complaints had ever been made as to the existing state of things, and wished to know whether there was any intention of changing it. The term "existing system" is so general and vague, that it leaves me in doubt as to what part of it he means to direct his inquiries. With respect to the other two questions, I have no such difficulty. The first refers to the Report of the Commission to which the question as to the division of the circuits was referred. That Report has been drawn up and agreed upon, but it has not yet been presented. With respect to its subject-matter, I, not having official cognizance of it, must decline discussing the terms of a Report which, as far as I am concerned, is unknown. The third question has reference to a restric-

tion in the inquiries of the Commission. It is quite true that a letter was addressed to me by that Commission, inquiring whether it would be competent for them, in making their Report, to contemplate an addition to the existing number of Judges. I immediately informed them, as was indeed apparent on the face of the Commission, that no such question as that of increasing the number of the Judges would be referred by Her Majesty to a Commission. A measure of that nature would be taken into consideration by the Executive Government, if they judged it necessary, on their own responsibility. The sole question referred to them was, presuming the number of Judges to remain unchanged, how in their opinion the existing circuits might be divided with the greatest advantage for the transaction of the public business,

Mr. *Roebuck* said, it appeared that the question referred to the Commission being how the business of the circuits, with the existing number of Judges, might be best distributed, they were not to consider whether the existing circuits might not be better arranged by the addition of two new Judges. If that question was altogether cut off from their consideration, then came the inquiry whether another Commission should be issued, the real question being whether the Judges were not necessary.

Sir *J. Graham:* That is a question which I cannot contemplate being subjected to the consideration of any Commission. I conceive it strictly within the province of the Executive Government.

Mr. *Roebuck* wished to be informed whether the right hon. Baronet intended to submit to the House, or to any other tribunal, a re-distribution of the circuits?

Sir *J. Graham:* I have had no opportunity of seeing the Report of the Commissioners, therefore I can only say that I am not prepared to recommend an addition to the number of the existing Judges.

TRANSPORTED CONVICTS.] Mr. *Ewart* wished for some information as to the probation system substituted for the old system of assignment in the convict Colonies, which admitted of three gradations.

Mr. *Hope* said, he would give a succinct answer, which he hoped would satisfy the hon. Member. The present system was established in 1841. It proceeded upon two principles: one for the reformation of the convicts under discipline, the other to give opportunities for their employment. As far as the object of reformation went, although the system had not been long in operation, and no complete Report on the subject had been received, he was happy to be able to say that the Report was satisfactory. The further object of finding employment for the convicts had not been so successful. The House was aware that there had been a great check to the growing prosperity of those Colonies in 1842 and 1843; and the system, as far as regarded the finding employment for the convicts, had been based on the assumption that there would be an effective demand for their labour. That had not been the case; but circumstances were now rather more favourable, and the question was under the consideration of Government, who were endeavouring to provide a remedy for the evil. Loud complaints had been lately made, that the property of Van Diemen's Land was affected by the continuance of the system of transportation. At the same time, in New South Wales objections had been made as to the value of property being affected by the cessation of transportation.

ROMAN CATHOLICS.] Lord *J. Russell* said, that the first Order of the Day on the Paper was the Roman Catholic Relief Bill, while the Adjourned Debate upon the Resolutions he had submitted to the House stood last; he trusted, therefore, that hon. Members who had Bills likely to create opposition would give way in order that the Adjourned Debate might go on.

Mr. *Watson* said, he was most anxious to proceed with the Roman Catholic Relief Bill; but he was willing to take whatever course was most in accordance with the feeling of the House. The hon. and learned Gentleman moved the Second Reading of the Roman Catholic Relief Bill.

Sir *James Graham* hoped that the hon. and learned Gentleman would not press the Second Reading of this Bill now. On a former occasion he (Sir J. Graham) had stated, that he had reason to believe the Criminal Law Commissioners were on the point of reporting upon the subject to a much greater extent than it was dealt with by the Bill of the hon. and learned Gentleman. The Report of the Commissioners would embrace the whole subject of the

penal law of Great Britain and Ireland, not only with respect to Roman Catholics, but Protestant Dissenters. In the course of a very short time a comprehensive Report on the entire subject would be laid before both Houses, and under these circumstances it would surely be better to deal with that Report.

Mr. *Roebuck* said, that the Report would be valueless unless some legislative enactment were to be built upon it. Would the Government guarantee that this should be done?

Sir *James Graham* said he could not ask the hon. and learned Member to postpone his Second Reading, upon the condition of promising to introduce a measure to be founded upon a Report not yet made.

Lord *J. Manners* said, that under those circumstances he thought the hon. and learned Gentleman ought to proceed with his Bill.

Mr. *Watson* thought the Bill ought certainly to proceed one stage. Four weeks ago he had postponed the measure. All he now proposed was that the second reading should be taken to-night, and that there should be no debate until the Report was received. It was exceedingly difficult for individual Members not connected with the Government to get forward a Bill. The principle of the measure had been to a great extent acknowledged during the last Session. No doubt when the subject came to be debated a wide range would be taken; and it might be a question whether a larger measure of relief should not be given, and it would be a question also whether this measure should or should not pass; but no human being could be injured by the second reading being taken to-night; and with the permission of the House he would fix this day fortnight for going into Committee, as he understood from the right hon. Gentleman that the Report of the Commissioners would be in the hands of Members in a few days.

Sir *J. Graham* was bound to say, that there was a part of the Bill to which he decidedly objected, while he was friendly to the general principle of the measure. It could not be imagined that he was disposed to inflict any penalties upon his Roman Catholic fellow citizens; but the Bill extended to the repeal of certain enactments which formed part of the relief measure and general arrangements of 1829; he did not feel disposed to give his assent to disturbing those Acts. He thought it desirable that the House should postpone this discussion, until they saw the mode in which the entire subject was treated by the Commissioners. There was a particular provision in the Relief Act regarding monastic orders, to which he alluded. However, there was reason to believe that the whole subject, of which this Bill affected only a branch, was clearly and fully discussed in the Report of the Commission; and when in the course of about eight days that Report would probably be on the Table, he thought it not unreasonable to ask for a delay.

Lord *J. Russell* observed, that the right hon. Baronet was friendly to the general principle, and with respect to that part to which he had expressed objection as affecting certain enactments of the Relief Bill, he did not think that the existence of that clause ought to be conclusive against the second reading of the Bill. It certainly was a most important branch of the subject, and he was not himself prepared to vote for that part of the Bill without further consideration; but the Bill might, nevertheless, be read a second time.

Bill read a second time.

DRAWBACK ON MALT.] Mr. *Stafford O'Brien*, in moving the Second Reading of the Malt Drawback Bill, said, it was not from any want of respect to the noble Lord (Lord J. Russell) opposite, that he (Mr. S. O'Brien) wished the second reading of this Bill to take precedence of the adjourned debate; but because he agreed with the hon. Member for Montrose and other hon. Members, that it was desirable to have this Bill disposed of in one way or another. He had put the question off for some time at the request of hon. Members, but as the difficulty of bringing forward and carrying a measure of this kind increased as the season advanced, he must now make his statement in favour of the Bill. If, however, he had been disposed to pay every possible attention to the request of the noble Lord, still he had not been able either to conceive in his own imagination, or to ascertain from diligent inquiries among hon. Members on both sides of the House, for what purpose the noble Lord had brought forward those Resolutions, or to what practicable object they tended. But whether his Bill were

good or bad, there was no doubt of its tendency being directly practical. He thought it would tend to assist greatly in the feeding of cattle, and in the improving of the meat brought into our markets. These were practical matters; and, therefore, he hoped the noble Lord would excuse him if he wished to proceed with a Bill having these two practical tendencies, before the noble Lord's debate, which might be taken conveniently at any other time. He would not refer to high authorities on agricultural subjects, in either House of Parliament, as to the great value and efficacy of malt in feeding cattle, nor to Mr. Handley, who, on one occasion, said that nothing could be more satisfactory to the grazier than to have the power of giving this description of food to cattle; but he should content himself with reading two letters on the subject from practical farmers, which would lead the House to judge of the desirableness of the results which he wished to effect by the present Bill. The first letter was from a gentleman in the county of Norfolk, who was in the habit of sending about 200 cattle annually to Smithfield market. It was as follows:—

"*Castle Acre Lodge, Feb.* 13, 1845.

"SIR—In reply to your note of yesterday, I beg leave to say, that I consider five quarters of malt quite equal to one ton of linseed oilcake. Now, the last thirty tons of oilcakes cost me 9*l.* 10*s.* per ton, besides the carriage (fifteen miles). Last Tuesday I could have purchased at Lynn market, coarse heavy barley, such as the brewers would not buy, at 26*s.* per quarter. The increase of quantity in the process of malting would pay the expense. Now, a beast of 60 stone, 14lbs. to the stone, would consume 14lbs. of cake per day, besides hay and a few swedes, and, therefore, eat one ton of cake in twenty-three weeks, or one and a half peck of barleymeal per day, with the same quantity of hay and swedes. And I am convinced that a beast would get more flesh, and fat enough, with one peck of malt per day and the hay and swedes, than either of the above, and consequently be better for the consumer. The cost would stand thus:—

	£.	s.	d.
14lb. of cake per day for 23 weeks —1 ton	9	10	0
1½ peck of barley meal per day for 23 weeks—7½ quarters at 26*s.*	9	13	0
1 peck of malt per day for 23 weeks—5 quarters of malt, with duty	6	10	0
5 quarters malt with duty, barley same price, 26*s.* per quarter	12	0	0

I beg to hand you the enclosed letter, which I received last week when in London from Mr. Blomfield, of Wootton, in this county, who is a considerable farmer, and also a maltster and brewer. I am quite certain that animals would feed much faster with malt, and the meat be of much better quality for the consumer, than that produced from oilcake.

"I am Sir,

"JOHN HUDSON.

"A. S. O'Brien, Esq., M.P."

The next letter was from Mr. Blomfield.

"*South Wootton, Feb.* 6, 1845.

"DEAR SIR—I received your letter of the 5th instant; in answer, I inform you that, three years since, I gave some damaged malt to some beasts, by way of experiment, to see if they would eat it in preference to oilcake, or any other kind of food. I now inform you they gave a decided preference to malt.

"I was then induced to try it upon 140 half-bred Southdown and Leicester shearlings (which had previously been fed upon cut hay and swede turnips,) by adding one pint of malt per day for six weeks; and never in the course of my experience for thirty years, have I seen anything to equal its fattening properties.

"On Tuesday last, at Lynn market, I brought 66 coombs of barley, weighing 15st. 4lbs. per coomb (net), which, if malted, would certainly not answer a brewer's purpose without the duty. I could now sell at 16*s.* per coomb. You are at liberty to make what use of this letter you think proper.

"I am, dear Sir, yours truly,

(Signed) "MILES BLOMFIELD.

"To Mr. John Hudson."

These were the only letters on the subject with which he (Mr. S. O'Brien) should trouble the House. Almost all the agricultural petitions presented during this Session to the House urged this measure on the attention of the Government; and having understood from the right hon. the Chancellor of the Exchequer; and the right hon. the Secretary of State for the Home Department, that there was every inclination on the part of the Government to grant a measure of this kind, he would not dismiss the hope from his mind that the Government would not content themselves on this occasion with giving a mere negative to the Bill. He hoped they would not get rid of it by saying—"If you can, without giving us the least trouble, draw up such a Bill as will secure the Revenue from diminution, we will not oppose you." He trusted they would allow the Bill to go into Committee, where its details might undergo such alteration

and modification as would render it most likely to secure the object in view, without injury to the revenue. To oppose the Bill would be to turn a deaf ear to the prayers of so many agriculturists, whose petitions were presented in its favour, while to pass it would offend no theory, and attack no political principle whatever. The only objection that could be raised against the measure was the difficulty of some of its details, which might be modified in Committee. He hoped his hon. Friend would be able to say something more than that he was pledged to oppose the measure. He (Mr. S. O'Brien) hoped, at all events, his hon. Friend would be able to say that his attention had been, or, at least, would at an early period be, turned to this important subject; and that he would not allow a few difficulties in the Excise to stand between the farmers and so great a boon. Having had the charge of the Bill, he felt that he could not merely move the second reading of it, without calling the attention of the House and the Government to the many petitions in its favour, and to the opinions of practical men as to the desirableness of passing it. He implored the Government either to permit the Bill to pass the second reading, or else to say they would bring forward some other measure to effect the same object. There had been already much agitation on the subject, and any opposition on the part of the Government would give a fresh impetus to that agitation. The hon. Member concluded by moving that the Bill be now read a second time.

Mr. *Cardwell* was exceedingly sorry that, on account of the absence of the Chancellor of the Exchequer, through indisposition, the duty devolved on him of replying to the hon. Member. This was a subject to which the right hon. Gentleman (the Chancellor of the Exchequer) had paid great attention, and regarded as of great importance; and there was every desire on his part to remit the duty on the article of malt when used by the farmer for feeding cattle, if he could do so consistently with the safety of the Revenue. He admitted that the measure was practical, and assurred the hon. Member that it had received the fullest consideration from the Government. He had on this subject several documents before him, some of which he would read to the House. But this was not all; his right hon. Friend had instituted further inquiries, which were still going on, and, from their detailed nature, would necessarily require some time; and though he could not say he looked to their result with much hope or expectation of the kind, yet if the further information thus obtained, should lead to a conclusion different from that to which all their previous inquiries had tended—his right hon. Friend would not only be ready, but gratified, to adopt it. He was obliged however to state that, so far as he was able at present to form an opinion on the subject, he was unable to yield to the wishes of his hon. Friend. In his opposition to the Bill, he did not solely rely on the supposition that the expectations entertained by the hon. Member as to the results of the measure, if carried, were over sanguine, and would not be so satisfactory as he supposed; although the inquiries he had made led him decidedly to be of that opinion: for he would admit to his hon. Friend that it was desirable the farmer should, if possible, be permitted to test it by his own experiments: and it was always an object with his right hon. Friend, to remove every objection of a collateral kind from the collection of an important impost. However little, therefore, he might be able to concur in the expectation of advantages from the passing of this measure, he would not have resisted it merely on that ground. The reasons which compelled the Chancellor of the Exchequer to resist this Bill were of a financial character, and were quite imperative. As to the impracticability of carrying the measure into effect without interfering with the Revenue, he would read an extract from a letter addressed by Dr. Lyon Playfair to the Board of Excise:—

"I am of opinion that, in the present state of knowledge, no applicable process is known by which malt can be rendered unfit for the purposes of distillation, and useful for feeding cattle."

Further on he said—

"A given weight of barley is more applicable for the production of muscles and fat than the same quantity of barley when converted into malt."

The hon. Gentleman was of course aware that there was permission to steep barley, but that it was not permitted to kiln-dry it. Dr. Playfair went on to say that—

"The advantage of malt as food consisted in its being easy of digestion. But there were

other plans of rendering food digestible without destroying part of its nutritious qualities, as in the case of malt. I conceive that barley loses part of its nutritious qualities in passing into malt."

He concluded by giving it as his opinion that Government was not warranted in endangering part of the Revenue by allowing malt to be used as food. He held in his hand a report from Professor Graham, in which the Professor stated, that he could find—

"No evidence that cattle fed exclusively on malt, or that malt ever formed a large proportion of the food of cattle. Indeed, the high price of malt must have precluded it from being used for such a purpose."

[Mr. *S. O'Brien:* "Hear."] The hon. Member cheered that expression, but would he attend to the context?—

"But in Germany, where malt is subject to no restriction, it is not employed for the purpose, as I have been assured by Professor Liebig."

He would not fatigue the House by reading many documents of this description; he would content himself with stating that experiments were now being made under the superintendence of Dr. Thomson, of Scotland, and, from the systematic manner in which they were conducted, he had no doubt but some decisive conclusion would be arrived at. He hoped, then, he had satisfied his hon. Friend that this measure had received the fullest and fairest consideration. But it was not now for the first time that the subject had been brought to the notice of Government and of the Board of Excise. He held in his hand a paper, dated April 2, 1835, under which the officers of the Excise throughout the country had acted for the last ten years. It appeared that those officers, notwithstanding their long experience and ingenuity, had not been able to devise any method by which, in their judgment, this boon, be it great as the hon. Member imagined or not, could be given to the farmers without endangering the Revenue. Having therefore exhausted every effort of his own, and having abandoned his experiment in despair, the Chancellor of the Exchequer consented to the first reading of this Bill, considering that course respectful to the hon. Member who had devoted so much attention to the subject, and anxious candidly to consider any safeguards he might offer in his Bill. The question, therefore, resolved itself into the specific provisions of the measure which he held in his hand. Now the hon. Member tendered to the Government two provisions of security. The first was to allow the maltster a license to mix an equal quantity of oats, barley, peas (crushed or whole) with unground malt, or any quantity of these with ground malt, and to sell this mixture to the occupiers of land, with a certificate of the quantity sold. The hon. Member considered that this intermixture of other grain rendered the malt unfit for the production of the ordinary liquors on which duty was levied. But this was not the case. The intermixture afforded no valid security whatever to the Excise. He was informed, on the best authority, that malt was used in the great distilleries in England only in the proportion of one-tenth, and that the other nine-tenths consisted of raw grain. Dr. Thomson said he was appointed, in 1805, to make a set of experiments on this subject, and he found that the mixture of barley with the grain afforded no security against the measure being used by brewers. On the contrary, the brewers, imitating the experiments, began to make their beer from raw grain, and were prosecuted by the Excise for so doing, and prohibited from using raw grain. No machinery could be adopted by the Excise to prevent an improper use being made of the malt, which would not be cumbrous, inquisitorial, oppressive, and expensive; in fact, it would be altogether impossible to carry out the provision of the Bill. If, then, he had disposed of his hon. Friend's first safeguard, he thought the second would afford still less security. The second safeguard of his hon. Friend, was a certificate to be given by the purchaser. Now admitting for an instant that this certificate was worth a farthing as regarded the maltster, it did not even profess to afford the slightest security for the use of the malt in the hands of the purchasers. It needed no experience to show that such a safeguard must, even when the certificate fulfilled all the functions provided for by the Bill, be wholly futile. But the Excise was not without experience of the system of certificates. There was an inferior kind of barley used for distillation in Scotland and Ireland, upon which a different rate of duty was charged, and for which those certificates were used. The Excise had the greatest difficulty in dealing with

those certificates, and the strongest objections to the mode of operation under them. He was therefore compelled, with great reluctance, to say, that to every one of the hon. Member's practical reasons, he (Mr. Cardwell) had still greater practical objections. The only argument of his hon. Friend in which he could concur, was that put forward mirthfully by his hon. Friend, *more suo;* and in which he in sober earnestness expressed his acquiescence, that this measure if carried would go far towards repealing the malt tax. But this repeal was a conclusion at which his hon. Friend and himself were equally unprepared to arrive. He trusted, then, he had shown that the Chancellor of the Exchequer had every desire to meet his hon. Friend's wishes, so far as was consistent with the due security of the Revenue. All possible attention had been paid to the subject, every means of inquiry had been resorted to, and all the conclusions which had been arrived at tended to show that the adoption of the measure would endanger the Revenue. Experiments were still in progress; and if any more practical suggestion, or one tending to more feasible results, were made, the Government would consider it. However, they were not at present in such a situation as would justify them, either in fairness to his hon. Friend, or out of respect to the House, to consent to the second reading of the Bill.

Mr. *Miles* understood from the speech of the hon. Member the Secretary for the Treasury, that although he opposed the second reading of the Bill, still the Government had not given up all idea that something of what the Bill contemplated might be effected. Under these circumstances he (Mr. Miles) would advise his hon. Friend not to press the second reading of the Bill on the present occasion. The farmers merely wished to be allowed to use, without fraud to the Revenue, their own productions, instead of foreign oilcake. However, as the Government had fairly stated that inquiries were still in progress, he thought it much better for his hon. Friend to postpone the measure to some future opportunity.

Viscount *Howick* entirely concurred in the wisdom of the advice given by the hon. Member for Somersetshire. The sooner the measure was withdrawn the better; and the more completely the idea of ever bringing it forward again was given up the more satisfactory would it be to all parties. He agreed with the hon. Member that it was of great importance to feed cattle cheaper, and that the foundation of good farming was the increasing of the quantity of stock on the land; but he would tell the hon. Gentleman a simple mode of accomplishing that object, which, if agricultural Members would propose, they would encounter no opposition either from the Treasury Benches, or from that (the Opposition) side of the House. That mode was the admission, duty free, of Egyptian beans and Indian corn. This would injure no individual, but would increase our trade, and give agriculturists themselves one of the greatest boons.

Mr. *Bickham Escott* said, that he told his hon. Friend that the bringing forward this question would not at all interfere with the adjourned debate, as he might raise on this Motion the same debate which had been raised on the Resolutions of the noble Lord. He should oppose the Bill, not out of regard to the Exchequer, for the interests of which he had no reason to care—but because it was one of a string of delusive measures propounded by certain Members, with a view, as they thought, of conciliating the farmers. He hoped it would be the last of the kind that would be introduced during this Session, as it was one which the farmers thoroughly and totally despised.

Mr. *Curteis* was lately at a meeting of farmers, at which one of the greatest agriculturists in the county of Sussex stated that if the farmers were allowed to make malt and use it as they liked, it would make a difference of 50 per cent. to them in the fattening of their cattle. In that meeting it had also been strongly urged that if a repeal of the malt duties could not be obtained, it would be wise and expedient to get the proposed alteration made for the benefit of the farmers. Whenever anything was brought forward for the benefit of the farmers he should support it, notwithstanding the sneers of the noble Lord, or of the hon. Member opposite (Mr. Escott). As the Government were making inquiries and experiments on the subject, he agreed with the hon. Member for Somersetshire that it would be better to postpone the measure.

Mr. *Hume* thought the explanation of the hon. Gentleman the Secretary for the Treasury quite satisfactory, and agreed with the noble Lord (Lord Howick) that no-

thing could be more for the benefit of the landed interest than the introduction, duty free, of Indian corn, which might be had in any quantity. This would enable farmers to fatten cattle at little expense, and at the same time furnished the best means of manuring their land.

Sir *R. Peel* said: I trust that my hon. Friend the Member for Northamptonshire will not adopt the course suggested to him by the hon. Member for Sussex, to postpone this Bill to a future period. I think that such a course would be calculated to raise expectations which it would not be right to excite without any prospect of their being realized. I understood my hon. Friend to say that he wished to press the Motion on the ground that it was desirable to come to some decision on this question; for that at present a great derangement existed in the trade in malt, produced by the expectation that some modification would be made in the existing law; and my hon. Friend said that it would be better that we should have a decision for or against the second reading, in order that all doubts on the subject of this law, and with respect to the trade in malt, should be at once put an end to. On this account, I hope that my hon. Friend will consent either to withdraw his Bill, or that he will not be satisfied to have it met with a negative, because any expectation that the Government might alter their views on this subject must prove utterly fallacious. My hon. Friend says that the returns from Scotland are not so satisfactory as they might be; but I think that the statement of facts and experiments read by my hon. Friend (Mr. Cardwell) are conclusive on the subject. Without undervaluing the opinions of those to whom the hon Member for Somerset referred, I must say that there could not, in a case of this kind, be any higher authority than Dr. Playfair—who has turned his particular attention to the best mode of fattening animals, independent of his high authority on chemical subjects. He not only doubts the advantage of using malt as a means of fattening cattle, but even if it were, there would be the greatest difficulty in preventing frauds on the Revenue. Upon the whole, I do not think it probable that any returns from Scotland will be likely to enable the Government to come to a different conclusion on this subject. I assure my hon. Friend that, from respect for him, as well as the motives that actuate him, the Government have paid the best attention to this subject; but, upon the whole, they have come to the conclusion that it would not be advisable to consent to the proposition of my hon. Friend; and as it is not probable that any further information may induce the Government to alter their opinion, I think it would be best that the House should now come to a positive conclusion on the subject.

Lord *J. Russell* said: If the House comes to any division on the subject, I shall feel obliged to vote against this Bill. During the existence of the late Administration, the Duke of Buckingham wished very much for a Bill of this kind; and asked me to apply to the Excise authorities to ascertain whether a Bill of this kind could be carried into effect without occasioning fraud upon the Revenue. The Excise authorities made a report to me upon the subject; and that report confirmed me in the opinion that it was the duty of the Government to oppose any measure of this kind. Under these circumstances, I shall feel it my duty to oppose the present Bill. The hon. Member who moved this Bill said not only that he thought the measure to be one of great importance, but he thought it necessary to make an attack upon the measures I proposed the other night. I think that the hon. Member went out of his way to make that attack. The hon. Member said that the Resolutions which I proposed had no practical object; but the right hon. Gentleman who followed me said that one effect of those Resolutions, if carried, would be to cause the retirement of the Government. [Sir *J. Graham:* I did not say so. I said that it would be a censure on the Government if the Resolutions were carried.] The right hon. Gentleman says that it would be a censure. Well, then, if the Government chose to continue in office under the censure of that House, it would be one remarkable effect produced by those Resolutions. Another effect which the carrying of those Resolutions would produce, would be an immediate alteration of the Corn Laws. Now, I think that a censure on the Government and an alteration of the Corn Laws, would be as practical results, and as important, as the alteration of the duty on malt.

Mr. *Buck* said, he had come down to the House prepared to support this Bill. It was a measure about which his consti-

tuents felt considerable anxiety. However, under the circumstances, he thought that his hon. Friend would be justified in withdrawing the Bill.

Lord *Worsley* hoped that his hon. Friend would not press the Bill, now that the opinion of Professor Playfair had been quoted against the use of malt, as a means of fattening cattle. However, he had been informed of an instance in which this mode of fattening cattle had been tried with the best success. He thought that his hon. Friend ought not to press the question to a division. His hon. Friend deserved credit for having brought the subject forward; and he hoped that his hon. Friend would consider the propriety, at some future period, of bringing forward a Motion for the total repeal of the malt tax.

Mr. *S. O'Brien* said, that the noble Lord (Lord J. Russell) had alluded to him. Now what the noble Lord considered to be an attack was meant as an apology. He felt it due to the noble Lord's station in that House, as well as to the respect which he (Mr. O'Brien) entertained for the House, to say that if he thought the noble Lord's Resolutions had a practical tendency he would feel bound to give way at once, but that he thought that no practical inconvenience would arise from allowing his Bill to interfere. Now, he believed that the noble Lord would not have alluded to the few observations which had fallen from him if he did not feel that what he (Mr.S. O'Brien) said in the House, many thought the same outside of the House. The noble Lord had alluded to an Administration remaining in office under censure; but they had seen an Administration so extremely tenacious of office, that he was surprised that an opinion of that kind should have been expressed by the noble Lord. With respect to the state of the law, he wished it to be generally known that, in the present state of the law, a farmer might do every thing but kiln-dry his malt—he might steep and sprout it—do every thing but pass it through the kiln. He wished this to be understood, unless the contrary should be stated by some Member of the Government. He had been assisted by his hon. Friends the Members for Berkshire and Sussex in drawing up this Bill. He admitted the present great difficulty with respect to the details, but no difficulty with respect to the object in view. His hon. Friend the Member for Clitheroe had quoted the opinions of two professors against his (Mr. S. O'Brien's) views. He wished his hon. Friend success in his political career; but he thought that if the Government consulted professors less, and farmers more, they would give more satisfaction to that House and to the country at large. He begged to withdraw his Motion.

Motion withdrawn.

CONDITION OF THE PEOPLE—ADJOURNED DEBATE.] On the Order of the Day for the Adjourned Debate being read,

Mr. *P. Howard* said, that when he moved the adjournment of the debate he was anxious to state his opinion, and which he believed was an opinion entertained by many thinking men in this country, that framing abstract Resolutions, likely to be attended with no result, was not the best way of dealing with great questions. It tended to unsettle men's minds, and produce unfounded expectations. He objected also to the number of those Resolutions. The proverb said, "In the multitude of counsellors there is wisdom;" but in the multitude of subjects he saw nothing but confusion. It was remarked by a journal which was a very acute observer of passing events, that unity was not necessary to political as to artistical effect. Formerly, when party measures were brought forward, it was customary to resolve that the House should go into a Committee of the whole House on the state of the nation. But though this might be vague as to the subject, yet it was definite in its object, and was tantamount to a withdrawal of confidence from an Administration. The noble Lord had admitted that if his Motion should be carried, it would be a censure on the present Government. He conceived that, at present, that was a result which would not be attended with any good effect to the country at large. He did not think that it would be an act of patriotism to overturn an Administration until they had a compact body of councillors ready to take their places. If the noble Lord had contented himself with laying his views before, without calling for an opinion from them, the House would have been happy to have been enlightened by his wisdom; but taking the opinions of the House would pledge every Member who supported him to every one of those Resolutions, a course which he could not admit. He thought that much had been done to benefit the country by the alterations in the Tariff which had been

made by the right hon. Gentleman; and he thought that it would be desirable to have a little experience of these changes before they proceeded to make further alterations, or to legislate further on these subjects. When they gained experience of the working of these measures, they should be better prepared to legislate with respect to any remaining restrictions. Another of his objections to those Resolutions was, that they proposed a change in the Corn Laws. This was a question the importance of which would not be undervalued; and he (Mr. P. Howard) thought that when the noble Lord announced his intention of allowing a fixed duty of 4*s.*, 5*s.*, or 6*s.*, instead of the present system, that the noble Lord had not announced his change of opinion with that caution and deliberation which were due to the great importance of the subject. The noble Lord, when he was a Minister of the Crown, had proposed a duty of 8*s.*; and he thought that having made that proposition, his change of opinion ought to have been more deliberately announced. He had always advocated a fixed duty; but he thought our own Colonies ought to have the preference in supplying this country with any quantity of corn which might be required to make up the deficiency of the home supply. He thought that before they altered the Corn Laws so as to make us dependent on foreign countries, they ought first to inquire of those foreign countries what they would give in return. With respect to the law of settlement, the right hon. Gentleman had announced his intention of altering it. He thought it would be a great advantage if, in addition to the settlement by birth, a settlement by residence could also be obtained. With respect to colonization, he thought it ought not to be compulsory. Much good might be done by a system of colonization judiciously assisted. He thought the Board of Trade, or some other department, might be authorized to give the most authentic information with respect to the state of our various Colonies to persons desirous to emigrate, and applying for this information to them. With respect to one of our Colonies, a most favourable field for human exertion, New Zealand, he was happy to see that the cloud which overhung it for a time was fast clearing away. He was glad to see that there was a growing feeling to consider and improve the condition of the people. The reformed state of the representation had been alluded to by the hon. Baronet the Member for Essex; but he (Mr. P. Howard) was happy to say, that one most gratifying result had followed from the reformed representation, that it enabled a Minister to throw himself on the generous support of the House and the country, and not pay that implicit homage to party which he did before. With respect to education, he knew the subject was invested with difficulty. The effect of the system adopted in this country was to throw the education of the people into the hands of the clergy of the Established Church. He thought that the Roman Catholics and Dissenters ought to be enabled to derive more advantage from it than they did at present. In conclusion, he repeated that he would feel bound to refuse his support to the Resolutions of the noble Lord. The noble Lord stated, that their success would lead to the retirement of the present Government. This he would think to be a result not desirable, when they had no compact body of councillors ready to succeed them. He agreed in much of what the noble Lord had stated, but he could not support his Resolutions; because he did not think that asking the House to pledge itself to Resolutions of this kind was either the most Parliamentary course, or the most calculated to benefit the country at large.

Mr. *Bickham Escott* said, it appeared from the speech of the hon. Member who had just sat down, that the party with which the hon. Member usually voted was not yet ready to take the Government, and that that was the reason why he would not support the Resolutions. He agreed with the hon. Gentleman that his party was not ready; but he could not agree with him in thinking that the Resolutions, if carried, would be productive of no practical effects. He believed, that if these Resolutions were carried, practical consequences of great importance would follow, and that immediately. But, though he thus admitted that the Resolutions were far from being vague and indefinite in their operation, he must state that he was astonished that the noble Lord should have made such a Motion at all; and his astonishment arose from a close investigation of the noble Lord's Resolutions. The first statement contained in them was, that at the present moment there did pervade the breadth and length of the land political tranquillity and commercial prosperity. Why, were not these the very objects for which laws were framed, and

for which the House sat in deliberation? The right hon. Member for Taunton, who spoke in an early part of the debate, expressly gave credit to Her Majesty's Ministers for having, since their accession to office, introduced measures for the improvement of the education of the people, and the trade of the country. So he took it; and these practical measures, under the blessing of Providence, had produced the present state of tranquillity and prosperity; and yet the noble Lord came forward and proposed Resolutions, the effect of which, if they were carried, would be to change the Government; for that was their clear meaning: and the hon. Gentleman who spoke last, an influential and intelligent Member of his party, said that was at present the least desirable thing that could happen. The noble Lord must, therefore, excuse him if he again said that he was at a loss to know why he proposed these Resolutions. The noble Lord set out by lamenting the condition of the labouring classes—a subject which, he said, was as serious a one as any that could occupy the attention of Parliament, and which had of late made great way in the feelings of the country. His (Mr. Escott's) belief was, that the noble Lord had stated the question correctly—that it had made greater way in the feelings than in the judgment of the country. He was afraid that this was as dangerous a question as could well be agitated. The noble Lord had certainly done it in a temperate spirit—in a very different spirit from other speeches which he had heard in the House. The noble Lord the Member for Dorsetshire was one who had much to answer for in this House. He thought he was the person alluded to by the noble Lord the Member for London, as one who had made the discussion of the state of particular classes popular in the country; and he believed it was most dangerous to do so. It would be well if they stopped where they were, and did not attempt to carry it further; for the further it was carried, the greater would be the materials for making people discontented with their condition, without suggesting any practical relief. The noble Lord had certainly suggested practical measures; and, first, he adverted to a better system of emigration. Now, for his part, he could not think that any greater facilities for emigration ought to be given than existed at present—otherwise they might send people out of the country on speculative missions which might end in ruin, and with little chance of their substantial benefit. But he was struck with a subsequent remark made by the noble Lord—that if a better system of agriculture were adopted, all the people in the country would find employment. He agreed thoroughly with the noble Lord that that was the case; but, if so, where was the need of giving greater facilities to emigration? The noble Lord had also touched upon the question of education; and he would only say upon that subject, that the experience of the last few years showed that there were great difficulties in the way, and that it was impossible the Government could move faster than they were at present doing. The noble Lord had also lauded the state of the law with regard to the relief of the poor, and suggested no alteration. Now, he had never been a violent opposer of the Poor Law since its enactment. But it did appear to him that the time for emigration was before those strict provisions of the New Poor Law were enforced; that a relief might then have been afforded, and the superabundant supply of labour drained off, before they put in operation those stringent provisions of the New Poor Law. But he was sure the noble Lord did not mean these to be considered as his grand means for the relief of the working classes, and he had shown it. He had also developed to the House his views upon that which was the great question with all thinking people — particularly among the middle classes, among whom political power now resided—he meant the restrictive laws on the importation of corn. And the noble Lord had not only announced his intention to follow his Resolution up by a practical measure, but he had expressly stated to the House the principle of the measure which he would propose. The noble Lord would forgive him for saying that it was no new plan. He remembered, in a debate which took place two years ago, the noble Lord the Member for Tiverton charging the right hon. Gentleman at the head of the Government, above all things, to beware of a pedantic adherence to former professions. That noble Lord had certainly a full right to give such a precept; for he had pretty closely adhered to it himself in the course of his political life. He would not say that the noble Lord the Member for Lon-

don had shown a pedantic adherence to his plan, for nobody could accuse the noble Lord of pedantry in anything he said or did; but he certainly thought that in this instance the noble Lord had shown a romantic adherence to his former professions; for, except the noble Lord himself, he did not know any one that was in favour of a fixed duty. All the other statesmen of the day had abandoned it. The noble Lord the Member for Sunderland, two years ago, told the right hon. Baronet at the head of the Government, that there was a time when he might have made a bargain for the agriculturists, and settled the question upon the principle of a fixed duty; but then he went on to show that there was such utter absurdity in its principle, that the moment you came to argue against it, it was gone —it would not bear examination. Well, then, he should like to know how the noble Lord, supposing his Resolution to be carried, would form his Government on the principle of a fixed duty? Would the noble Lord the Member for Sunderland support him? Perhaps that noble Lord had changed his opinion; but till he heard some one else besides the noble Lord the Member for London support this fixed tax on corn, he must feel at a loss to know why the Resolution was brought forward. But there was another reason which still more astonished him. It was not six weeks since he heard the noble Lord declare that protection was the bane of agriculture. Then what class was the fixed tax on corn to benefit? It certainly would not benefit the consumer, or the merchant; and how was it to benefit the agriculturist, if it was a bane to agriculture? It appeared to him that there was not now much active hostile feeling upon the subject in the country. Those who, a few years ago, were violent free traders and high protection men, had now much softened the asperities of their opinions. They looked more at the difficulties of the question, and the difficulties which public men had in dealing with it. But there were two parties still upon the question. The hon. Member for Wolverhampton worthily represented that section who were anxious for an immediate repeal of the Corn Laws; and in attacking the system he forgot the position in which it stood, as well as the position of its supporters in the House. His hon. Friend argued the question as if the House had lately imposed heavy restrictions on the importation of corn. The hon. Member forgot that, instead of imposing restrictions, the House had been engaged in removing them; and here he would say that the conduct of those hon. Members who imagined that their interests were bound up with high protecting duties had been most honourable and disinterested in giving up what they thought was for their own interest. Far from having been actuated by selfish motives, their conduct had been most generous and disinterested; though he was sorry to say that their conduct had been somewhat different in regard to certain late measures. But besides the free traders, there was another party who opposed the present system of Corn Laws, on the ground that the amount of protection it afforded was not high enough; and these were called, or called themselves, the farmers' friends. These gentlemen appeared to him to be of two classes. For the first set of farmers' friends, he entertained the highest possible respect; and he wished the hon. Members for Devonshire and Northamptonshire had remained in their places a little longer, because he understood they had been hurt by some observations he had formerly made. He entertained the highest respect for those gentlemen who, thinking that increased protection would benefit the country, or would benefit their tenantry and labouring people, laboured in their vocation to increase protection. But what he could not understand was, the conduct of the other class of farmers' friends, who had helped to pass the very measures which they now condemned, and then went down to the country and joined in the foolish cry against them. Depend upon it, the farmers saw through all this. The fact was, they were too late, and on a wrong course, and that for two reasons. From the moment the late Corn Bill was changed, and, as he thought, properly changed, it was impossible to form a Government on the principle of increased protection, which the farmers thoroughly knew. They were wrong in another way. They had destroyed protection, if it was to be destroyed, by the speeches they had made in its favour, and the rashness with which they had ventured to bring themselves into collision with others who were against the principle of protection; and the result was, that the whole system of protection was now shattered and tottering to its fall. Every argument they employed was like knocking

a stone out of the arch of their building. There was a great analogy between the debates on corn, and those that had taken place on the subject of education. It was about the same thing to oppose the system of an enlarged education in Ireland by abusing the faith of Christendom, as it was to prop the somewhat shattered building of agricultural protection with osier twigs for its timbers, and grease for its cement. But that was not all: there were other speeches, delivered both in the House and out of it, which had had the same and even greater effect, and at different periods. From the moment it was avowed in the House—and the avowal was first made by the right hon. Gentleman who was then Member for Kent (Sir Edward Knatchbull), that the object of protection was to raise the price of corn, in order to put money into the pockets of those who possessed burdened estates—to enable them to defray the legal charges on their property—from that moment the cause of protection tottered indeed. There was only one rational mode of defending protection. If it could not be defended as a means of ensuring a domestic supply of corn, and on an average of years making it cheaper to the people than it could otherwise be had, it could not be defended at all. That was a question on which he could not trifle, and he therefore felt it his duty to state—and he believed that the majority of the people had come to the same conclusion—that from the speech made by the right hon. Member for Kent down to the last speech made either by the hon. Member for Somersetshire, or by the Duke of Richmond in another place, he believed every such exercitation had only the more convinced the people that it was impossible by such arguments longer to defend the system of protection. That declaration of his opinion might possibly be prejudicial for a time to his interests, as it would not be agreeable to several persons in the country to whom he owed deep obligations in public and political matters. All he could say was, that, whatever were the consequences, he thought he was right to make it; and though he had received from these individuals favours which he highly valued, yet he had not bought them at the price of the sacrifice of his independence. He agreed with much that was said by those who were advocates of a higher rate of protection, that the present time was a state of great distress to the farming interests. He knew himself parts of the country that were suffering great distress. If his hon. Friends to whom he had formerly alluded had been present, he would have been glad to tell them what was the principal cause of that distress at the present time. He had lately been in the country—he had taken great pains to inquire into the subject—and he would state, that it arose from the deficient supply of grass, corn, and fodder, of all sorts, for the keep of the farm stock, caused by the severe winter and spring, and the drought of the last spring and summer. His right hon. Friend (Sir James Graham) stated last night, as instances of the general prosperity of the country, the reduced rate of various necessaries of life. He rejoiced to hear that statement. He agreed with it in every article but one. Meat was not cheap: so far from meat being low, it was higher now than it had ever ruled during the last fourteen years. An hon. and gallant Friend had lately shown him a return of a contract for the supply of meat to the troops at Woolwich for the next six months. The present contract for beef was $7\frac{1}{2}d.$ per lb., whereas in the last contract it was only $6\frac{1}{4}d.$ The fact was, meat was so high—higher than he wished it to be—because there was such a scarcity of keep that the farmer could not fatten his lean stock. He knew a farmer in Somersetshire who had lately lost fifty sheep and seven horses by starvation. In the whole course of his experience he never knew anything like the distress that was experienced at the present moment from this cause. Well, then, it was really time that the farmers' friends should consider if they could not do something to relieve this distress by introducing more keep into this country. He understood there were laws on the Statute Book which prevented the importation of articles which would be most valuable for the food of cattle, and not only so, but they also wanted seeds. Not more than three weeks ago, he had a conversation with a large practical farmer upon this very question. He was at one time an ultra-protectionist, though he had had the good sense not to join any of the protection societies, but he was one of that sort. The farmer told him that he had paid 40*l.* for seeds last year. He (Mr. Escott) said, would it not be better if you got them from abroad, where you could get the same

quantity for half the money? The farmer replied, that if he could get them for half the money, come from whence they might, he would have sown double the quantity; for the farmers were only prevented by the price from sowing all the wheat stubble with vetches; not only because the preparing of the ground cost little labour and expense, but because they formed a valuable pasture for cattle, and when ploughed down for the next crop they formed an excellent manure. He wished the farmers' friends would turn their attention to these points. The course which the Government had pursued on all the questions introduced by the noble Lord in his Resolutions was, in his opinion, the best that could have been pursued in the existing state of the country; and though he felt that he should ill discharge his duty to them, to the House, and to his constituents, if he voted for the noble Lord's Resolutions, yet he would not hesitate to say that the time had now come when it was necessary to go much further in the course they had pursued. A more absurd notion than finality never entered into the human mind. It was impossible that any Parliament or any Government could stand by any set of measures, or any class of men, that did not provide a sufficient supply of food for the people of this country. The condition of the labouring man must be improved when work was plenty and wages were good. That was the case at present; and the knowledge which by a sure and accelerated pace was pervading the land, and teaching senators wisdom, would in after years reach the poor man's cottage, and confer on him the most inestimable of all blessings—that of content.

Sir *J. Graham* wished to say, in allusion to a remark of the hon. Member who had just spoken, that the Return of prices which he had quoted the other evening was a Return prepared by the Board of Trade at his request. It did not refer to the price of prime meat in the hands of retail butchers. It was prepared at his desire with reference to the price, in the first week of April in the present year, and in the corresponding week in the six antecedent years, beginning in 1839, and ending in 1845, of meat sold by the wholesale butchers to the labouring classes in the neighbourhood of Smithfield. He had every reason to believe in the accuracy of the statement.

Captain *Pechell* had listened to the most able and useful speech of the hon. Member for Winchester with the greatest pleasure; but he was sorry that the noble Lord the Member for London could not calculate on his vote. The object he had chiefly in view in addressing the House, was to corroborate the statements made by the noble Lord the other evening with reference to the state of education in Sussex. The hon. Member for Shoreham (Sir C. Burrell), had denied the accuracy of the noble Lord's exposures; but he was enabled now, on the best authority, to confirm the noble Lord's statements. He was informed by the chaplain of the Sussex gaol at Lewes, that out of 817 prisoners 470 had hardly any knowledge of religion. The hon. Member for Shoreham had stated, that many of the Sussex criminals came from Brighton. Now, he held in his hand a Return, dated the 28th of February, 1843, of Persons committed to Prison for Offences in Workhouses in Poor Law Unions, and in places under Gilbert's and other Local Acts, during six years; from which he found that while in East Sussex, with a population of 144,268, the number committed to prison was 479, in Brighton, which was under a local Act, with a population of 50,000, the number committed to prison in six years was only 66. Comparing Brighton with Unions in East Sussex, he found that in the Battle Union, with a population of 12,034, there were 60 committals; in the Cuckfield Union, with a population of 17,132 there were 73 committals; and in the Hailsham Union, with a population of 12,433, there were 67 persons sent to gaol; whereas, in the several parishes in Sussex incorporated under Gilbert's Acts, forming two Unions, there was during the six years only one person committed to prison for offences in workhouses. He cordially concurred in the Motion of the noble Lord the Member for London; but he would gladly see the addition to it of the words moved by the hon. Member for Rochdale, his constituents being most anxious for an extension of the suffrage.

Sir. *J. Walsh* said, it appeared to him that the speech of the hon. Member for Winchester deserved all the commendation which it had received by the hon. and gallant Member for Brighton, and he doubted not but it would be echoed by the members of the Anti-Corn-Law League.

The noble Lord had at the commencement of his speech alluded to a question put by him (Sir J. Walsh), and which the noble Lord had justly considered a censure of the multiplicity of topics embraced in his Resolutions. If the noble Lord had no other object than to deliver his own individual opinions upon a subject so important as the welfare of the labouring classes, these opinions coming from him would be entitled to deference; but if he had any practical end in view, beyond a mere exposition of his own views, then he (Sir J. Walsh) must adhere to his opinion of the inconvenient and faulty construction of his Motion. The introduction of so many topics into one discussion could not fail to distract their attention, and to render the debate either wholly vague, desultory, and inconclusive, or to induce the House to run off upon some one particular topic of mere strong party interest, to the exclusion of others which were united with it. He agreed with the noble Lord in one of his Resolutions which had reference to the question of colonization. He was happy to find the noble Lord lending his great influence to the furtherance of this question; while, at the same time, he must regret that he did not at an earlier period give his attention to this subject, when, from his position of Secretary for the Colonies, he could have given a more powerful and direct impetus to it. But this very question of emigration, in which he concurred in the main with the noble Lord, was an instance of the disadvantage of encumbering a Motion with such various and distinct questions. He felt, so far from being obliged to the noble Lord for having included it, that the question itself was damaged and disparaged by being thus huddled together with so many others, which would be negatived with them, without having received the separate discussion upon its merits which its importance deserved. He thought it was in the power of Government, in respect to this subject, to facilitate their object greatly in relieving the redundant labour in the agricultural districts by a well conducted system of emigration. The hon. Member for Wolverhampton had described the Motion as one against protection to agriculture, and the noble Lord's observations countenanced that assertion. The noble Lord said that the present Corn Law tended to check improvements in agriculture. On what ground did the noble Lord arrive at that conclusion? The system of protection had been in operation for half a century; but had improvements been particularly checked? Compare England with every other country in Europe, and it would be found that England was the country in which agricultural science had been most largely cultivated—the country in which most capital had been employed in agriculture—the country, in short, in which the most surprising results had been produced in that branch of industry. It was capable of proof from the reports of competent persons that England was far more highly cultivated than France. He would refer, in corroboration of this, to the able Report of M. Catineau Laroche, on the comparative Merits of French and English Agriculture, lately presented to the Royal Agricultural Society of France; and yet the noble Lord would call on the House, by agreeing to the Resolution, to affirm that protection was the bane of agriculture in this country. The system of protective duties dated from 1791, although the late Lord Leicester's system had been introduced somewhat earlier; but since that period there had been evidently an immense advance in the science, and the greatest improvement in cultivation. Under the system of protection there had been constant progression in agriculture. In Lincolnshire, Yorkshire, and Lothian, fresh impulses had been given to it, and the whole face of the country exhibited improvement which, twenty-five years ago, would never have been dreamt of. If the noble Lord should carry his Motion, it would be in opposition to the testimony of experience and the evidence of facts. The noble Lord had alluded to the numerous increase of the population in the country; but the produce of the soil had, on the average, been within a small margin of a sufficient supply for that population, and in years of plenty it was ample for the purpose. In his opinion this country could not have made these extraordinary strides in agricultural improvement, if it were not for the protection enjoyed by agriculture during that period. The great object of the noble Lord was to improve the condition of the labourers—that was the noble Lord's own statement. He (Sir J. Walsh), however, disliked all Motions which went to show a distinct interest as existing between the labouring classes and the higher classes of the community; and he believed that those persons who led the former to think that such an interest existed, were their worst enemies. He believed that any sudden change in the price of agricultural produce would be fatal to the manufacturing in-

terests; while to increase the distress that prevailed at present among the agriculturists would, he was convinced, be to endanger the stability of the State. That was evident from the present condition of Ireland. So long as measures were adopted to lower the price of agricultural produce, grants to Maynooth, and other measures of conciliation, would be unavailable for that country.

Viscount *Howick* said, there was one part of the speech of the hon. Baronet who had just sat down, which he wished the hon. Member had addressed to the House on a former debate, rather than on the present. He meant that part of it in which he endeavoured to demonstrate that, so far from protection being injurious to agriculture, it had actually been the cause of the improvements which he had stated had been so remarkable in that art within the last few years. Now he did think that the argument of the hon. Baronet on that point would have been better placed if it had appeared on the Motion of the hon. Member for Stockport (Mr. Cobden), when he moved for a Committee to inquire into the effect of protecting duties on the interests of tenant farmers and farm labourers; for the House could scarcely forget the speech with which the hon. Member had introduced that Motion—a speech which, in his opinion, had not only asserted, but had proved to demonstration, not indeed that protection had altogether stopped and arrested the natural progress of improvement in agriculture, but that it had exercised a most marked and pernicious influence in retarding and checking that improvement, and in rendering agriculture a singular instance in our national industry of little progress and slow advance during the long peace with which this country had been so happily blessed. He thought that it had been demonstrated on the occasion to which he alluded; and when a Committee was asked for to prove these allegations, the hon. Baronet opposite neither used his present argument, nor assisted them in obtaining the Committee by which, if their opinion were ill founded, its incorrectness might be demonstrated. All that the hon. Baronet had shown was, that improvements had taken place in agriculture. No doubt there had been improvements. Whoever thought of asserting that improvement was altogether arrested? But he would ask any hon. Gentlemen who remembered the debate on the former occasion to which he alluded, whether it had not been then shown that that improvement had been greatly checked and retarded by the system of protective laws. But it was not his purpose to follow the hon. Baronet into the details of the several Resolutions, which, if they were so fortunate as to carry the first that had been proposed by his noble Friend, would be hereafter discussed. His object rather was to offer some remarks to the House on the general principles of the policy which, as he understood, it was the wish of his noble Friend to recommend by his Resolutions to their consideration. First, he would say, that the arguments by which his noble Friend's Motion had been met were completely inconclusive. He alluded particularly to the speech of the right hon. Baronet the Secretary of State for the Home Department, who alone had spoken in this debate on the part of the Government. When he found that this Motion was to be opposed by Her Majesty's Government, he expected that they would have relied on either of these two lines of argument;—either that the right hon. Baronet would attempt to prove to the House that the condition of the labouring classes was perfectly satisfactory, and that no improvement in that condition was desirable, or else that, admitting that their condition fell short of what was to be desired, still that any improvement of their state was beyond the reach of legislative measures; that Parliament could do nothing to benefit them; and that it was therefore better for the House not to interfere at all. He should have thought that one of these courses would have been taken; but instead of that, the right hon. Baronet came down and made a speech, of which any Gentleman who had carefully listened to it must admit that the argument went not to refute, but to confirm in the strongest degree, every proposition on which his noble Friend had relied. And having made that speech, the right hon. Gentleman told them that it was his intention to meet the Resolutions by moving the previous question. He considered such a course to be altogether objectionable. If the condition of the labouring classes was unsatisfactory, and if it were in the power of the Legislature to improve that condition, he thought no man in that House would venture to stake a doubt of its not

being their duty to apply themselves to the task. The right hon. Baronet had stated, most truly, in the course of his speech, that while they were there to watch over the welfare of all classes of the community, it was now especially their duty to attend to the interests and the happiness of that largest of all classes, whose only property consisted in the remuneration which they received for their labour. That should be a sacred duty with that House; and if the labouring classes were now with justice dissatisfied, and if it were in the power of Parliament, by measures not hitherto adopted, to improve their condition, it was, he would repeat, the duty of Parliament at once to apply itself to the consideration of the course to be pursued; and it was most unsatisfactory to him that, under such circumstances, they were to be told by Her Majesty's Ministers, not what improvements were to be adopted, but that they would appeal to a majority of the House, on which they knew they could depend, to say that no interference whatever should be attempted with the existing evils which they admitted. That was the way that the right hon. Baronet met the proposition of the noble Lord. The right hon. Baronet had refused either to admit or deny that there were measures required for the improvement of the working classes, which it was in the power of the House to adopt; and if the House acquiesced in that mode of meeting the question, he had no hesitation in saying that the House would shrink from its duty. He could understand the right hon. Gentleman meeting the proposition by a direct negative, if he denied the existence of the distress, or the possibility of its being remedied by that House. He could understand if the right hon. Baronet had proposed Amendments, calling upon the House to say, that the course proposed to be taken was inexpedient, or that it was impossible that any change in the law could relieve the distress which it was acknowledged existed. He could understand a Minister taking either of these courses; but he would own that he was altogether at a loss to conceive how a Minister could stand up and say that such a question was one not fit for the Speaker to put from the Chair. If he understood rightly the object of his noble Friend in bringing forward this Motion, it was to call upon the House, first of all, to recognise the fact, that the condition of the labouring classes in this country was one which was far from being satisfactory; that it was one in which something should be done for their improvement and welfare; and afterwards to point out what were the principles on which the measures which he would recommend for the relief of that distress should proceed. Having laid down these principles, his noble Friend proceeded—as he understood—to say that it was a question so paramount and important, that it ought properly to be left to the discretion of the advisers of the Crown to embody in the shape of laws and measures. That was the proper and regular course to take; and he could not, therefore, understand on what principle the hon. Baronet who spoke last had found fault with the course which his noble Friend had taken. He could not understand why the hon. Baronet should object to the proposition of the noble Lord, as conveying an implied difference between the interests of the labouring classes and other classes in the community. He did not so read the Resolutions. He did not understand his noble Friend to argue that the measures which he proposed, while they benefited the working classes, would tend to the injury of others. On the contrary, if he understood the speech by which his noble Friend introduced his propositions before the House, his argument was, that the adoption of measures founded on the principles which he laid down, would be greatly beneficial to the whole nation—to every order and class in the community; but that he proposed them specially with reference to the condition of the labouring classes, because he thought that their state at the present moment was one peculiarly requiring the attention of the House. Now, if he was right in this construction, he thought they had a right to expect the support to the first of these Resolutions of every gentleman who agreed with them in thinking that the condition of the labouring classes was such as to require the adoption of some means or other for its improvement — no matter whether they agreed as to what these means ought to be or not; because those who differed from them as to the means of improvement to be adopted, would, on the discussion of the subsequent Resolutions, have ample oppo tunity of moving amendments, by which the measures which they might wish to suggest could

be brought under the consideration of the House. Those who thought that there was something amiss in the social condition of the State, which required amendment, and that such amendment was beyond the power of Parliament to effect, were also, he thought, bound to concur in the first Resolution, and afterwards to suggest such amendments as they might wish to offer. Under these views, he owned that he could not but feel somewhat disappointed at the attendance which they witnessed that night in the House; and, above all, he was greatly disappointed at not seeing his noble Friend the Member for Dorsetshire (Lord Ashley) in his place, with the other hon. Members who concurred with that noble Lord in the measures which he had at various times taken for bringing the condition of some particular portions of the working population under the notice of the House. His noble Friend to whom he last alluded, had devoted his time and abilities with a zeal which was highly praiseworthy, in bringing before the attention of the House the sufferings endured by women who worked in mines, and by the children who were employed in factories, and other classes of their labouring population. The noble Lord had taken great pains in bringing several cases of these grievances and sufferings under the notice of the House; and he was, he confessed, therefore, very much disappointed to perceive that his noble Friend was not present to support the present Motion, or to propose some other means of meeting a question which involved the condition, not of any particular section of the working classes, but of the labouring population generally. All the grievances and sufferings which his noble Friend had at different times brought under their notice were, in his opinion, only particular instances and particular symptoms of the general evil which lay at the bottom of the whole system, and which arose from the inability of labour in this country to command in the market sufficiently high and sufficiently certain remuneration. He believed that all the abuses which at different times had been brought under the consideration of the House, and all the grievances which some hon. Members were so anxious to remedy, all arose from that one source, and from the attempts which had been made by the labouring classes to get over the difficulties which they had to encounter, arising from the inadequate remuneration which they received for their labour. He, therefore, thought that the proper course for the House to pursue, was not to direct their attention merely to damming up particular channels, but to apply themselves to the task of arresting the flood from which these channels arose. For these reasons it was that he felt disappointed at the absence of his noble Friend, because he had confidence in the sincerity of his noble Friend's desire for the welfare of the poorer classes of his fellow subjects, and because he felt that if they could have shown to his noble Friend that the policy which they recommended was calculated to promote the welfare of those classes, he would support the Motion, no matter what inconvenience such support might occasion to the party with which he was politically connected. He had stated that he considered the object of the Motion to be to call on the House to recognise the existence of a condition of the labouring classes requiring improvement; and also that the present was a proper time to consider the measures that were necessary for the improvement of that condition. He had also expressed his opinion of the grounds on which he thought they were entitled to expect support in favour of that first Resolution, even from those who differed from his noble Friend as to the policy involved in the succeeding propositions. He would next wish to ask, whether in the speech of the right hon. Baronet the Secretary of State for the Home Department, there had been one word said, calculated to lead the House to the conclusion, either that the present condition of the working classes was one with which they should be content, or that it was beyond the power of the Legislature to improve? As to the condition of the working classes being far from satisfactory, he was willing to rest that question on the admissions of the right hon. Baronet himself. The right hon. Gentleman had, indeed, stated that the noble Lord had underrated the amount of wages received in the agricultural districts of England. He believed the right hon. Gentleman was mistaken in that assertion. It might be true that at this particular moment the average rate of wages for the whole kingdom was as high as the right hon. Baronet had stated; but they had the strongest proof that in many counties the estimate of his noble Friend

was not by any means too low. In Wiltshire, in Dorsetshire, and in parts of Buckinghamshire and Sussex, and in North Devon, and he believed in some other counties in the south and west of England, the rates of wages were as miserably low as his noble Friend had described them to be; but even taking the rates of wages to be what the right hon. Gentleman had himself alleged, did that not, he would ask, imply a state of things in these counties which was far from satisfactory? and did it not show a condition of great suffering and great privation among those by whom wages were earned? With respect to the manufacturing districts, the right hon. Baronet was able to make out a more satisfactory statement; and he was ready to believe that the improvement which the right hon. Baronet described did really exist, and that at this particular moment the condition of the manufacturing districts was by no means to be complained of. But he would ask the right hon. Gentleman whether, according to his own statement, these very districts were not, two years ago, in a state of the most frightful destitution? In 1843 he had brought the subject before the House, and at that time on neither side was it disputed that throughout the whole manufacturing districts of this kingdom there prevailed the most intense distress, a distress which had existed for a very considerable period—for three or four years—and which had then reached its height. The description of the condition of affairs was then heartrending; and the right hon. Gentleman the Secretary for the Home Department, in describing the improvement which had since taken place, went back to that former state of things, and pointed out how frightful had been the distress in question. But if this were so, what was the inference to be drawn from it? Why that the manufacturing districts, taking an average of the earnings of labour, were not very greatly superior to the agricultural districts. No doubt the former were at present enjoying very considerable prosperity. And why? Because we had been blessed with good harvests—because we had low prices for food, which had enabled the population to consume a greater quantity of articles of general consumption, which were ultimately paid for by manufactures. But was the permanence of the present state of things to be depended upon? Was there any man who did not feel convinced that one or two bad harvests in succession, under our present system of commercial policy, would be attended with a return of all those miseries from which we had so recently escaped? Let such an unfortunate event occur, and we should again see the failure of employment, the reduction of wages in agricultural districts—we should again have all that misery which had been so fully described. Such then being the case, he asked them whether it would not be wise to avail themselves of this short interval of prosperity and ease, to deliberate calmly on those measures which they might think best suited to insure a permanent improvement in the condition of the working classes? At present they could discuss the subject calmly, influenced only by considerations of reason and sound policy. But, if a change should take place, if, under a bad harvest, the pressure of grinding distress should again make itself felt in the manufacturing districts, then the fierce spirit of Chartism, now sleeping, but not dead, would again revive; and he asked them whether they could then as advantageously, as satisfactorily—nay, he would say as safely, discuss this great question of the cause on which the prosperity of the working man depended? He held it to be clear that the very passing and uncertain nature of manufacturing prosperity, under the present system, was the cause of that prosperity producing no more effect than it did upon the agricultural districts. The unemployed and ill-paid labourers of Dorsetshire and Wiltshire would flock to Manchester and Liverpool, were it not that they knew such a state of things as the present would not last long. There was, probably, in the agricultural districts less violent alternation of prosperity and distress than in the manufacturing. The agriculturists in times of prosperity were less prosperous, but in times of distress they were also less suffering than the manufacturer, and, therefore, they might probably take the existing condition of the agricultural labourer as affording no unfair test of the average condition of the working classes generally. Now, the question whether they should adopt the Resolution of his noble Friend, turned upon the consideration of whether it were practicable for Parliament to do anything for the improvement of the working classes or not. That condition Parliament ought to improve if possible. That was admitted.

The question then turned upon the possibility. Now, in coming to this question, he could not help observing, that it seemed to him an unfounded objection to the Resolutions of his noble Friend to say, as had been said, that they embraced too wide a field. He thought that when his noble Friend was impressing upon the attention of the House the duty of doing something for the labouring classes, it was his noble Friend's business to point out the principle of the different measures which he thought ought to be adopted for their benefit; and it was the more important that his noble Friend should have done this, considering, as the right hon. Member for Taunton had said, that these Resolutions were no less important for what they excluded than for what they included. He believed that there was a very general feeling abroad that something should be done for the improvement of the working classes. Such being the case it was most important rightly to define the limits of what Parliament could do; how far the Legislature could go, and the bounds at which its efforts must cease. But more than this; the different classes of measures to which his noble Friend pointed in the Resolutions before the House, were most closely, most intimately connected. The people were suffering both moral evils arising from the ignorance which legislation had, as yet, only partially succeeded in dispelling; and also from physical evils arising from poverty. But these evils were closely connected. Poverty was too often the result of ignorance, and of that improvidence which ignorance very generally created; and it was no less clear that poverty was one of the frequent causes of ignorance. It was utterly impossible that a population suffering under the pressure of great physical distress could endeavour to obtain the blessings of education. In a Dorsetshire cottage, amid the suffering endured by a labouring man living upon 7*s.* a week wages, out of which he had to pay a high rent for his cottage, a high price for his fuel, and to feed and clothe his wife and children, was it possible that he could think about education? Was it possible that children suffering under the pressure of such distress could receive with advantage instruction, even were it offered to them? It was totally impossible; and it was, he would add, one of the worst consequences of those particular times of suffering which occurred in the manufacturing districts, that such periods had a tendency to degrade the moral condition of the rising generation. In these years their education was very generally neglected, and their moral condition very generally deteriorated. These two evils of poverty and ignorance were, therefore, very closely connected, and his noble Friend had done well to point out by his Resolutions, that if they meant to improve the condition of the great mass of the population, they must combine with measures of which the object would be to raise their physical condition—others of a different character, tending to dispel the darkness of that ignorance which still so greatly prevailed. His noble Friend had pointed out generally what were the means he would propose to adopt in order to attain both ends. But as they were all agreed as to the importance of education, he would confine what he meant to say to that portion of the Resolutions in which his noble Friend pointed out the means which he thought should be adopted for the improvement of the physical condition of the people, and in order to mitigate the pressure of poverty and distress. Now, it was most true, that neither Government nor Parliament could directly cure poverty. The great body of the people of all countries must rely upon the earnings of their labour; and it must depend upon the wages which that labour could command whether their condition would be one of comfort or the reverse. All experience had proved that the regulation of wages by any direct measure was beyond the power of Parliament. Any attempt of that kind would only aggravate existing evils. But his noble Friend did not propose any such visionary measure. What he looked to for the mitigation of distress, and the improvement of the condition of the people, was the simple but effectual course of relieving industry from the restrictions under which it now laboured. He contended that it was the restrictions which they imposed upon industry which were the indirect causes of the suffering of the working classes. What they should do was to leave the labouring man free to make the most of his labour in his own way. Were they to act upon this principle, the industry so severely honest of the English labourer, would secure him a comfortable subsistence. This was his position — one, he thought, capable of the clearest demonstration. What was it which made the great distinction between a state of society

rich and civilized, and one barbarous and poor? What constituted the distinction between such a country as this and a savage one? It lay mainly in the efficiency of labour in a civilized country. There the skill of the labourers, the tools and instruments which they used, the vast amount of fixed capital which they possessed to aid them in their toil, enabled them to produce that vast amount of wealth which enriched a State. And, again, from whence arose this efficiency of labour? Mainly from the division of employment, rendered possible by barter and exchange. In barbarous countries, every man produced that which he wanted. The consequence was, a general state of destitution—a low position in the social scale. As society advanced, this primary state of things underwent a gradual revolution. The system of the division of labour began to be understood and adopted. Proceeding a step further, they found the practice of exchange, at first confined to individuals, extending to communities; and thus the different advantages which different soils, climates, and situations afforded, were brought out and exchanged for the purpose of supplying different wants; the whole beautiful machinery put in work in order to increase the comforts and elevate the social condition of civilized society. Whenever they interfered to stop this exchange they interfered to thwart the intentions of Providence—to diminish the advantages which different countries should share with each other—to diminish the efficiency of labour, and thus to decrease the value of that only commodity which industry possessed. If this were true, it followed as an inevitable consequence that the whole system of protection was calculated to degrade and lower the condition of the working classes, and, indeed, of all the other classes, both of this country and all the countries with which that system prevented us from carrying on a natural commerce. Of all restrictions there was no one so utterly indefensible, no one so mischievous, no one so unjust, as that which restricted the people from importing freely the food necessary for their daily sustenance. It was a system so monstrous, so unjust, that it could not be discussed too often. Its tendency to impoverish the working classes could be best tested by comparing the condition of our working population with that of the working population of countries differently situated —countries where there was a large extent of fertile land available, such as Canada, the United States, or our Australian Colonies. Let him ask the right hon. Baronet opposite to give a plain answer to a plain question: how did the right hon. Baronet account for the fact, that the English labourer, when he emigrated to the United States, to Canada, or to South Australia, immediately found himself far better off than he had been at home, with a far greater command of the necessaries, and with a command, indeed, of some of the luxuries of life? It was not denied that such was the fact, and he wished to ask how the right hon. Baronet accounted for it. The reason was not that the emigrant became more industrious than he had been; no one could charge the English labourer with want of industry; in fact, when he got to the Colonies, the English labourer generally worked much less than he had been used to do, for the simple reason that he found with much less work he could get more wages than he had been used to get. Nor was it because his labour was more productive in the Colonies than it had been at home; so far from it, his labour in this country was far more productive than it was in the Colonies. Nor was it because the deductions in point of taxation were less in the Colonies; for in proportion to its means, this country was by no means a highly taxed country, if you reckon only those taxes which are raised for the purposes of revenue, and not the taxes levied for protection. What, then, was the cause of the fact he had stated? It was, that in the countries he had mentioned there were large tracts of land available, which enabled the labourer emigrating to them, for a payment next to nothing, to obtain the means of earning a subsistence, while in this country the labourer possessed no such facilities. Some Gentlemen in that House, and many out of it, were fond of dwelling upon the improvement which they conceived might be made in the condition of the labouring classes by carrying out the allotment system. Without entering into the merits or demerits of that system, or into the question whether or no it might not, in the end, lead to greater evil than good, he would certainly admit at once that if every labourer in Dorsetshire, for instance, could have four or five acres transferred to him, as a freehold property, without any payment being required for it, undoubtedly he could main-

tain himself in tolerable comfort thereon; and it was equally clear, that if every labourer had a similar patch of land given him, none of them would work for hire, unless the hire was greater, or, at all events, fully as great as the amount he realized by his land. But it was impossible that all the labourers could, in this country, have so much land assigned them; and it was precisely this want of sufficient land here, in proportion to the population, which was the cause of the depressed state of our labouring classes. What, then, he and those who thought with him, asked of the Government was, that if they did not call upon the Government and its supporters to interfere with property in land, Government should not continue to interfere with property in labour, or prevent the labourer, if he could not raise corn for himself, from exchanging his labour for corn on the most favourable terms he could. He would say, therefore, that the Corn Laws were responsible for the depressive condition of the working classes of this country. In these days of easy intercommunication it was perfectly monstrous that the labourers of England should not be allowed to obtain from countries where land and corn were superabundant, that food which they could not obtain by the cultivation of the soil of their own lands, in exchange for the goods which they could so advantageously manufacture, and of which the corn-growing countries were in need. As to protection, it was a mockery, a cruel delusion, a prohibition to the working classes of this country to accept the food which was offered them, and which their labour, properly applied, could so well enable them to pay for in the form of tools, of clothes, and of manufactured goods. All parties would be infinitely better for the exchange, yet the British Parliament absolutely forbade the exchange to be made. He knew what was the ordinary answer of hon. and right hon. Gentlemen opposite in these cases. It was, that other countries would not take things from us in exchange, and the high tariff of America was pointed to as a triumphant illustration of this. At all events, this argument was not applicable to our own Colonies; yet it was only a few days ago that the opposite side of the House refused to allow the Australians to send their corn to this country. The hon. Member for Radnorshire (Sir John Walsh), for instance, who talked so much of the over-population of England, and of the necessity of sending out our labourers to Australia, was precisely one of the men who had denied to the Colonists already settled in Australia the right of sending us their produce hither, in exchange for our manufactures. The hon. Gentleman, and those with whom he voted, seemed to have no idea that if we relieved our population by giving them work to do, in the shape of goods which we permitted them to export freely, the end would be as well, would be better answered, than by exporting the labourers. Even as to America, let him ask, had we ever tried in good earnest whether they would exchange with us? Had we ever tried the experiment of admitting their agricultural produce in lieu of ours? Let us only allow their corn to come in at a low rate, and by the cheapest and most direct route, instead of having it shuffled in circuitously and under false names, and rely upon it the utmost benefit would speedily be conferred upon both countries. He was persuaded that were we in good earnest to try the experiment, we should speedily find ourselves mistaken in the notion that the Americans would not take our goods in exchange for their own produce. No one who was acquainted with the real state of things in America could doubt that if we created a demand in the western states of America for our productions, by allowing them to send their produce in payment, a repeal of the present high Tariff would almost immediately take place. And even suppose the Americans did not at once reciprocate, who would be the sufferer? Their corn would still come here, and the only result to them of keeping up their high Tariff would be, that they would receive payment for it in a way the least beneficial to them; while, as to our goods, they would, if a regular trade in them were rejected by the States, be smuggled into America along the whole of the far stretching Canadian frontier. Nothing could be easier, as nothing could be more advantageous, than for us to obtain a large and certain supply of food from abroad, adequate to the utmost wants of our increasing population. The price of the food so obtained might very probably not be much less than the present price of corn; but the advantage would be, as to price, that it would always remain comparatively easy, and not be subject to the terribly mischievous alternations which prevailed un-

der the present system. The right hon. Baronet opposite (Sir James Graham) had borne testimony to the great advantages which had already been derived by the community from the low price of corn which had of late prevailed. The right hon. Baronet had told the House what that low price of corn had already effected for the country; he had told them that, as the price of food had gone down, wages, as well money wages as what wages go to pay, had risen—that the poor rates had fallen—that applications for relief to the poor rates had become fewer and fewer—that crime had diminished—that education had become more diffused throughout the country. These effects the right hon. Baronet had himself admitted to have been consequent upon the late abundant supply and low price of food. But these advantages, under the present system, could only be enjoyed by fits and starts for a time, and on the uncertain tenure of the barometer. What they required was, that the advantages of cheapness and sufficiency of food should not depend on the uncertain tenure of the weather, but upon the good will and good feeling of nations, and the encouragement of our national industry. If that were the case the evils of dearth and scarcity could be avoided. The remarkable difference which existed at present as regarded the wages of labour in different parts of the country—the difference between the wages in manufacturing districts and in some of the poorer parts of the country, was an evil which would be altogether removed by adopting a course which would steadily increase the prosperity, and give still greater encouragement to the industry of the country. If the demand for labour in the manufacturing districts were more steady and continuous than it is, that steadiness of demand would go a great way towards improving the condition of the poorer part of the agricultural population, by enabling them to obtain wages more like the wages of the others in amount. It was quite clear and evident that a cheap supply of food enabled the labourer to expend more money in the purchase of clothing and other articles than he could expend when food was dear; and therefore it followed, as the necessary result, that the supply of food at a cheap rate was a great element in prospetity, by giving an increased demand on the part of the working classes for such articles as clothing and other necessaries, that they were enabled to buy in larger quantities when food was cheap. If there were, on the part of the labourer, an increased demand for clothing and other articles, it was quite clear that there would be produced a proportionate increase in the employment and prosperity of those who produced such articles. If, therefore, there were a free trade in corn, he was justified in calculating that there would be an increased demand for all descriptions of produce in the country; and the profits of those who produced them would be greatly increased. It was to him quite evident that if there were a free trade in corn, all the industry of the country would be benefited, as the advantages would not be confined to one class, but would extend to the agricultural as well as to the manufacturing districts. That appeared to him to be the undeniable result which would follow the removal of restrictions of every description. He perfectly agreed with what had been said by the right hon. Baronet as to a good harvest being one of the greatest blessings which this or any other country could enjoy; but if there was one drawback, namely, the suffering of the agricultural classes, they would admit that it would be a great evil. They had heard it stated as a complaint that the agriculturists had not participated in the general prosperity under the present system, and he believed that a removal of restriction would be of the greatest possible advantage to the agriculturists; for the inequality of prices was a great cause of loss to those engaged in agricultural pursuits, whilst a more steady system of prices would cause more capital to be expended in improvement, and the farmers would incur less expense when there was a lower scale of prices; but he was perfectly convinced that the result of a system which would produce a steadier description of prices would be to cause a great extension and improvement of agriculture. He did not believe that an increased consumption of foreign corn in this country was incompatible with a very considerable increase of produce at home, and a general improvement of the condition of the working classes. He believed that the removal of restriction was the true mode of increasing production by encouraging the industry of the country, and advancing the general prosperity. And he had no doubt, that so far from such a system decreasing the production of British produce, it would tend to increase it. With those views he could not take

any other course than cordially to support the Resolutions of his noble Friend the Member for the city of London; setting forth, as they did, his opinion, that the restrictions upon the freedom of industry, and particularly as regarded corn, were the main cause of the depressed condition of the working classes of this country. He was greatly opposed to those restrictions, because, but for them, he did not see any reason why the working classes of this country should not be as well off as the working classes in the United States or in Canada. He perfectly agreed with his noble Friend who had brought forward those Resolutions, with respect to the opinion that restriction was the cause of the depressed condition of the working classes of this country; but he went beyond his noble Friend in the conclusions to which he had come as to the effects of that restriction. If they recognised the fact as stated by his noble Friend, the deduction which he drew was clear and undoubted—if they admitted that restriction was the cause of the present comparative inefficiency of industry—if they admitted the right of the working man to exchange the produce of his labour wherever he got the most advantageous return, then he thought that the system of restriction ought not to be any longer maintained—that it ought to be at once abandoned. He (Lord Howick) agreed with the hon. Member for Winchester, in thinking that protection was on an unsound foundation; and he believed that in a few short years, nay, that in a few short months, they might see it crumble to the ground. He was of opinion that the time for compromise had gone by, and that they had now arrived at a period when they could not persevere in maintaining this injurious system. If the Legislature had taken the proper step a few years ago, when it was proposed with respect to this important subject, they might, perhaps, have prevented much of what had since followed; but the Legislature had refused to do so, and it was now too late to make any compromise of this great subject. ["Question."] Did those hon. Members who cried Question, mean to tell him that his arguments were utterly senseless? If so, they could be very easily answered; but for his part, he would rather be refuted by counter argument than by clamour and whisper. He felt strongly convinced of the injury which the system of restriction inflicted on the industrious classes of this country, and he felt bound to express that conviction; and if Gentlemen came down to that House with large majorities at their back to maintain a system which took the bread out of the mouths of the working classes, they were bound to allow those who were opposed to the system to express their opinions against it. They would ere many years had passed see those Gentlemen at the hustings, and they would then be able to judge of whether the country approved or disapproved of the course which they had pursued in maintaining those restrictions. He could assure those hon. Members who advocated the maintenance of the restrictive system, that the time had gone by when even any compromise could be entered into on that question, and that we had now arrived at a period when the Corn Laws and every other description of protecting duty must soon be changed; for he did not apply his observations to the removal of protection from corn alone, as he was of opinion that it ought to be removed from every other article. He could wish to go through the whole Tariff altogether, and abolish every duty which was not levied *bonâ fide* for the purpose of revenue. He was of opinion that every duty, which was levied for the purpose of protection ought to be at once repealed. The right hon. Baronet opposite appeared to differ from him as to the mode by which this desirable end could be attained; and the right hon. Baronet had quoted the opinion of Mr. Huskisson, that protection ought to be relaxed as population increased; and the right hon. Gentleman went on to show that population was increasing in this country at the rate of 380,000 persons per year. If the right hon. Gentleman were then to go on reducing protection as population increased, the right hon. Gentleman only differed from him as to the best mode of arriving at free trade; but he would say that the best mode of arriving at free trade was the shortest, the quickest, and the most direct; and he said that with a view to the prosperity and advantage of the agricultural interest. What the agriculturist wanted was security and certainty—to know what was likely to be the future state of things, in order that he might understand his real position. The former was desirous to see his real posi-

tion, and to ascertain what was to be the course adopted in future; for it was by such certainty that they would encourage the expenditure of capital on land, and the increased advance of agricultural improvement. They could not give this advantage to the farmer—they could not give him an assurance of certainty and stability by any other means than by the removal of protecting duties. Mr. Huskisson's opinion had been cited as a proof of the advantage of gradually lessening protective duties. But, although he would not yield to any man in his admiration of Mr. Huskisson, or of the good which he had done to his country, yet he could not forget that Mr. Huskisson was then speaking of a new course; and he meant no disrespect to Mr. Huskisson when he remarked that we were now, after twenty years experience, in a better condition to form a judgment of that fact. All the experience of the last twenty years went to prove that it was the wisest course for them to get rid altogether of a system of protection which had thoroughly failed in the purposes for which it had been established. The system of protection had been found invariably to be a delusion, and to be injurious to those whose interests it was intended to maintain, whilst the constant changes and alterations to which it led kept the trade of this country in a perpetual fever. With these views he would support the Resolutions of his noble Friend, and in conclusion ask the House, was it not their duty to remove those restrictions which had been proved to be so injurious.

Sir *J. Hanmer* said, that after a discussion which had proceeded so languidly, he should confine the observations which he had to offer within a very small compass. Had the present been a Corn Law debate, he should have been ready to assign reasons which would have militated against the arguments brought forward by the noble Lord the Member for Sunderland. He had always thought that a moderate fixed duty would satisfy all the exigencies of the farmers, and likewise prove an excellent source of revenue. His opinion was, that whenever the import duty was taken off an article of foreign produce, the cost price of it was raised on the other side of the water; but he thought, at the same time, that with respect to corn, sufficient had been said to show that a duty for the purposes of revenue might be levied upon that article without proving injurious to the labouring classes, in so far as the price of their food was concerned. He should be doing a great injustice to the present Government, if he were to deny that their measures were calculated to promote the interests of the labouring classes in some respects. Whenever the history of the present Ministry should be written, those even who might be most opposed to their party views would be obliged to acknowledge that, amidst difficulties of no ordinary magnitude, the Government had applied itself manfully to overcoming them; and although at present they were not able to say they had accomplished their task, and although much still remained to be done, he was not one who would deny that they had achieved what the wisest and greatest statesmen who might succeed them, would be proud to lay claim to. He was ready to admit, with the noble Lord the Member for London, that with an increasing population, the mode of best promoting emigration to the Colonies, was a consideration worthy of being thought well of. He did not, however, perceive any chance of dealing with that question upon principles which accorded with his views. He should like to see emigration carried out upon a principle more harmonious to the general feelings and sympathies of the people. With respect to the Poor Law question, which had been introduced by the noble Lord into the present discussion, he should only observe, that although the last Report of the Commissioners had stated the fact of a great diminution having taken place in the amount levied for the support of the poor, still the same document admitted in broad terms that no less than one-eighth of the whole population was, during the last year, dependent upon the poor rates for subsistence: this was a state of things which ought to be grappled with. There was one subject upon which he felt disposed to say a few words, and that was, the high importance which ought to attach to affording the people the means of acquiring an education in the arts. In the Committee upon that subject which sat during the year 1835, several eminent artists gave their unequivocal testimony to the importance of improving the artistic education of the people. Amongst others Mr. Wyon and Mr. Cockerell both gave evidence to that effect. With respect to the general policy upon which the econo-

mic measures of the present Government were founded, he must say that he had not the least doubt of its soundness, or of its ultimate success. He must, however, say, that he saw no prospect of securing the happiness, the safety, or the political tranquillity of the Empire, so far as the agricultural classes were concerned, until those connected with the land should not singly, nor even partially, but universally, adopt and act upon the opinion that it was absolutely imperative upon them to bring the cultivation of the country into a state more commensurate with the greatness of England than it now was. At the present moment there was no doubt that agriculture was far behind.

Sir *R. Peel:* In the course of the speech recently delivered, the noble Lord the Member for Sunderland adverted, with expressions of surprise and some indignanation, at the apparent indifference and apathy with which this debate has been treated; and the noble Lord noticed especially the absence of many Members of this House who have ever manifested a warm interest in the improvement of the condition of the lower classes in this country. If I thought, Sir, that apathy could be justly charged upon this House—if I thought, when the question was the improvement of the condition of the lower classes in this country, there was any real indifference to a matter of such extreme importance, not only to those classes themselves, but to every other class in the community—I should believe that this House was giving a decisive proof that it was incompetent to discharge the high functions of a legislative body. I believe, Sir, that this apparent apathy, and that this absence of many hon. Members who feel a deep interest in the welfare of those classes, are attributable to the predominant feeling, that the noble Lord the Member for London has not brought forward this measure in a manner calculated to lead to any practical results. And with regard to the noble Lord's (Lord Howick) comments on the absence of my noble Friend the Member for the county of Dorset (Lord Ashley), I think that there is no Member of this House who has manifested a greater desire to carry out, by practical measures, what he has thought would be for the benefit of the labouring classes; but my noble Friend (Lord Ashley) has taken a different course from the noble Lord the Member for London. My noble Friend has suggested practical measures; he has pointed out in detail the improvements he seeks to introduce; he has not contented himself with general and indefinite Resolutions; he has suggested the practical manner in which he will apply a remedy; and my noble Friend, therefore, is the last person upon whom invidious comments ought to be made on account of his absence on this occasion. The noble Lord the Member for Sunderland, turning to his right or turning to his left, might have made, with equal justice, the same observation. I will not pursue the same course. I will not remind the noble Lord, that many who will vote with him this evening were not of our company during that dreary period of this night when it was almost impossible to keep a House together; as the House may not be aware that in the early part of the evening an attempt—an unsuccessful attempt—was made to terminate this debate, by counting out the House. This did not arise from any indifference to the great subject to which the noble Lord has called our attention; but it is solely attributable to the deep and prevailing conviction, that the noble Lord has not introduced the question in such a manner that we can possibly come to a decision upon it. I am not about to enter into any discussion on the topics raised by the noble Lord. I do not believe that any useful purpose can be answered by it. The noble Lord has discussed the policy of an alteration in the law of settlement—he has discussed the principles on which emigration ought to be conducted—he has discussed the policy of altering the protective duties upon foreign imports. Each of these subjects, Sir, is well deserving of separate discussion; for each, if the subject is to be treated with justice, we must set apart a time for its discussion worthy of its vast importance: but, upon questions so important, a discussion so desultory can, in my opinion, lead to no useful results. And then, as if the noble Lord had not entered upon a field sufficiently wide, one hon. Gentleman attaches to the Resolution his views upon the Poor Laws, and another his opinions on the franchise. They have felt compelled, by the course the noble Lord has pursued, to add other measures to his Resolutions. Now, independently of the number of subjects introduced, it is impossible for me to give my assent to the

mode in which the noble Lord has introduced them. I do not think it is wise to adopt abstract Resolutions for the alteration of the law of settlement, without knowing something of the mode in which it is about to be altered. Then, with respect to the question of colonization, no one knows better than the noble Lord the difficulties on that subject. When the noble Lord was Colonial Minister, he must recollect the recommendations of the Colonization Commissioners, made in the year 1840. They stated to the noble Lord, that there never was a time when emigration on an extensive scale could be carried on with greater advantage to both parties, to the mother country and to the Colonies. Yet the noble Lord did not adopt the urgent recommendations of his own Commissioners; the noble Lord did not adopt their specific plan of applying 50,000*l.* to the purpose of emigration to Canada; and the noble Lord must excuse me for saying that, as Colonial Minister, he did not carry out that mode of systematic colonization which he now proposes. I do not mean to say—I do not say—that colonization is not a subject of great importance; but before I commit myself by an abstract Resolution to the approval of any system of colonization, I should like to know the details. Then, with respect to education: the noble Lord admitted in the course of his speech, which was on this point characterized by an absence of aspersions and of party spirit peculiarly becoming in the discussion of a subject in which all must take a common interest—the noble Lord did justice to the course we have pursued, and the intentions we entertain with regard to education. The noble Lord says that we ought to have increased the grant for education in the present year. We have proposed for Ireland, to support a system of general education, in the present year, a Vote of 75,000*l.*; in 1841, the Vote was 50,000*l.* With respect to England, in the year 1841, the Vote sanctioned by Parliament was 30,000*l.*; in 1844, that Vote was 40,000*l.*; and in the present year we propose that the Vote shall be 75,000*l.*, being an increase in the Vote we now take, over the Vote of last year, of 35,000*l.* on a Vote of 40,000*l.* Now, Sir, I will admit, with the noble Lord, that considerations of economy, or, I should rather say, of parsimony, ought not to make us sparing in this Vote for education; but with respect to reduction, we have not done anything to forfeit the confidence of this House. I think that the great object in furthering systematic education is, to carry with you the voluntary assistance of the country. Systematic education merely conducted by and at the expense of the Government, will in this free country be of little avail, compared with aids and assistance rendered by the Government calling upon those whose moral duty it is to contribute their money and their time towards promoting the education of the people, zealously to co-operate with them in the achievement of the end desired. Let there not be too great a profusion; but let us be as liberal as is consistent with the attainment of the end, and let us proceed so gradually that we may carry with us the voluntary and active co-operation of those without whose aid we cannot do any good. Then, not only will our aid be effective, but we know that there is no connecting link binding together the lower and the upper classes, of a greater power than the manifestation of a desire to contribute towards the improvement of those from whose industry and labour we receive such great advantages. The noble Lord asks us to declare—

"That this House will be ready to give its support to measures, founded on liberal and comprehensive principles, which may be conducive to the further extension of religious and moral instruction."

Now, Sir, we have had recent experience of the practical difficulty of dealing with this matter. We must not be too lavish in our promises to promote education "founded on liberal and comprehensive principles." It is very easy to make promises; it is very easy to give a pledge; but recollect the contest in which we have been recently engaged. We thought that we had proposed, with respect to the education of the Roman Catholic priests, a liberal and comprehensive measure; but when we came to deal with the regulations necessary to carry out our views, we could not have done so if we had been fettered by any pledge. It is better to deal with a practical measure than to give a promise beforehand on what may be supposed to be liberal and comprehensive principles. Therefore, not only do I object to the Resolution as involving many subjects which it will be better to dispose of on separate discussions; but I also object to

pledge Parliament to an alteration of the law of settlement, to a system of emigration, to comprehensive and liberal education; and then, having given the pledge, when we come to deal practically with the questions on which we have led the country by our Resolutions to suppose we shall adopt, to find that we cannot among ourselves agree. These reasons appear to me to be decisive against the adoption of the Resolutions of the noble Lord. The noble Lord, however, independently of those Resolutions, asks the House to declare that—

"Those laws which impose Duties usually called protective tend to impair the efficiency of labour, to restrict the free interchange of commodities, and to impose on the people unnecessary Taxation."

He next proceeds to condemn the Corn Laws, which he says—

"Holds out to the owners and occupiers of land prospects of special advantages which it fails to secure;"

and then he proposes that the House should commit itself to a Resolution to take those laws into its consideration. Now, I am surprised that the noble Lord the Member for Sunderland should vote for those Resolutions, because the noble Lord the Member for the city of London attached this condition to the consideration of the law, "with a view to such cautious and deliberate arrangements as may be most beneficial to all classes of Her Majesty's subjects." I do not think, if I were obliged to come to an abstract resolution, that I could take an exception to this; it looks as if the noble Lord meant to pay a compliment to the course taken by Her Majesty's present Ministers, because we maintain that this is precisely the course we have taken. We have added no protective duty; our course has been to withdraw protection; but we have withdrawn it in accordance with such "cautious and deliberate arrangements as may be most beneficial to all classes of Her Majesty's subjects." But really I do not see how it is possible for any hon. Gentleman who thinks, with the noble Lord the Member for Sunderland, that the repeal of the Corn Laws should be immediate and unconditional, and that the repeal of every protective duty should be made indiscriminately and without delay, to vote for the Resolution of the noble Lord, which requires "cautious and deliberate arrangements." The two noble Lords have expressed very different opinions on this subject. The noble Lord the Member for Sunderland says, that the repeal of the Corn Laws ought to be immediate. But the noble Lord the author of these Resolutions, when he was asked by the hon. Member for Essex, I think, what plan he would propose in the event of the House assenting to them, answered that he should propose a fixed duty; that it might be 4*s.* or 5*s.* or 6*s.*, the 4*s.* or the 6*s.* depending (I apprehend) upon the good conduct of the hon. Gentleman and his friends; if they acquiesced willingly, and gave the noble Lord a ready support, they might perhaps obtain the 6*s.*; but if they showed a desire to throw obstacles in the way, then they might prepare to submit to the penalty of having 4*s.* The noble Lord omitted to state whether he still retained the opinion which he expressed strongly on a former occasion, that it would be necessary to make some provision for the removal of this protection—that it would be impossible, in the event of very unfavourable harvests prevailing here and on the Continent, and a very high price of corn prevailing, to levy this high duty—and that it would be necessary to make some provision by which the Executive Government should have authority to alter and relax it. Whether the noble Lord has confidence in the permanency of his present plan I know not; but he did certainly omit to state whether that appendage to his original plan was now intended by him or not. The noble Lord, however, contents himself with asking all parties to unite in his first Resolution, foreseeing the difficulty he would have upon the second and third—that first Resolution being—

"That the present state of political tranquillity, and the recent revival of trade, afford to this House a favourable opportunity to consider of such measures as may tend permanently to improve the condition of the labouring classes."

I cannot deny that the condition of the labouring classes is a subject which at all times ought to occupy great attention; it is impossible to overrate its importance. But that Resolution, if passed by this House, is to be communicated to the Crown. Now, I perfectly admit that in the speech of the noble Lord there was no expression with which any one could find fault on account of its savouring of party hostility or party spirit; but I can-

not conceal from myself, that the agreeing to this Resolution, and communicating it to the Crown, imply—and probably are intended to imply—distrust and want of confidence in Her Majesty's Ministers. It is for the House to determine whether the course which we have pursued deserves this—whether the imposition of taxes upon those who can afford to pay them, and availing ourselves of the opportunity to relieve industry of many of the burdens upon it, is a course which justly subjects us to such a mark of disapprobation on the part of this House. I can only say that I doubt whether, in the past experience of this House, during any former three years, greater efforts have been made for the purpose of promoting the comforts and improving the social condition of the labouring classes of this country, than have been made by Her Majesty's Ministers. You attribute the success of those efforts to the seasons. I can only appeal to the improvement of the Tariff—to the simplification of your code of laws by which imports were regulated—to the duties we have remitted—to the prohibitions we have abolished; I can refer to them with confidence as a proof that, whether seasons have been favourable or not—whether we have carried the principles which we hold to the full extent to which they ought to be carried, or have failed, yet still the principle upon which we have proceeded is a sound one, and that we have not been remiss in giving effect to it. I can see nothing which ought to disentitle us in that respect to the confidence of the House. When the particular measure of the Corn Laws shall be brought forward separately, on the Motion for a total repeal, by the hon. Member who has always strenuously, perseveringly, and ably advocated it, we shall have the opportunity of discussing the question; I do not think the partial discussion of it now could be entered upon with advantage. From the principle involved in the second and third Resolutions, that protective duties are in themselves evils, I cannot withhold my assent; but I believe that the retrocession from any such course requires the utmost consideration. I believe that success will ultimately be better attained by a due consideration of the mighty interests which are involved, than by any such hasty and precipitate conclusions as the noble Lord would have us pledged to. Perhaps we have gone far enough. It appears that, although we have not gained your confidence (addressing the Opposition Members) yet, according to the statement made by the hon. Baronet the Member for Essex (Sir J. Tyrrell), in diminishing protection to agriculture, we have forfeited the confidence of those with whom he is connected. How far he is authorized to speak the sentiments of a very large and powerful party, I know not; but this I must say, that I cannot consent to repurchase their confidence by the expression of any regret or penitence on account of the course which we have pursued. I believe that our course has conduced to the general interests of this country. I will not draw the contrast for the purpose of exalting one Administration at the expense of another; but when I contrast the position of this country in the winter of 1842 with its position at the present moment, I never will admit that we have taken any other course than that which became the Ministers of the Crown, and Ministers professing Conservative principles. Sir, I will say that I was gratified with the speech of the hon. Member who has just addressed the House (Sir J. Hanmer), the Representative of a great commercial community; he, at least, has done justice to the intentions and the acts of Her Majesty's Ministers. It may be true that the prices of agricultural produce may be low. Whether that be or be not deemed to be the effect of the law in respect of the importation of cattle, or of corn, I believe that the effect of that law has been to interpose an effectual precaution against a great increase of price, rather than that the law has acted unfavourably on the agricultural interest. I am not prepared to alter those laws; I can give no assurance with respect to any alteration. I proposed them after due consideration, and I think nothing is so injurious as the constant alteration of a law of this nature. But, with respect to the effect of the law, so far as it has had any, I believe it to be a beneficial effect, in tending to prevent an increase of price. I believe it has had a beneficial effect upon all classes of the community, and especially upon the proprietors of land. Sir, the interests and the welfare of the proprietors of land do not depend upon the mere nominal sum which the quarter of corn may fetch. I should almost disdain to notice the insinuations that all my interests are involved in the land, and nothing else, as if I were influenced by a

mere sordid desire of personal gain; but I ask the landed interests to recollect that it is not merely the nominal price of corn by which their welfare is determined. If I looked to the state of the north of England and the details received in 1842 of distress, of privation, of consequent suffering and crime—I will not now repeat them, the time has passed, God grant it may never return!—God grant that the precautions taken against it may be effectual! but if I read to the House what were the accounts of the state of that district, I think I could convince the most zealous advocate for the landed interest, the advocate most disposed to consider that the predominant interest, that it was not benefited by the continuance of such a state of things as then existed. I will not read you the accounts we received then; but here is the contrast. Here is the account given by that distinguished man who commands in the northern district, and who did command in 1842. He writes, in the present year:—

"*York, March* 1.

"Uninterrupted tranquillity has prevailed in the district under my command during the past month. Trade and manufactures continue to flourish. So completely has all disposition to political agitation of any description ceased, that an attempt made the other day at Hull to muster a Chartist meeting proved an entire failure."

Then in May he writes:—

"*York, May* 2.

"The same uniform and universal tranquillity and prosperity continue to prevail in the district under my command, as I reported last month; and the only remarkable circumstance worth mentioning is the total absence of all political agitation amongst the mass of the people, and the total indifference that seems to exist amongst the same class on the particular subject which is now so generally agitated by a portion of the regular and Dissenting clergy, viz., the Maynooth grant. At all events, it seems quite out of the question that any feeling could be raised in the mass of the population on this occasion so as to disturb the peace of the country for one moment."

I say, set against some reduction in agricultural protection the immense social benefit of such a change as that. You will be governed, I know, by your kindly feelings towards the people, and by higher considerations than those of mere pecuniary interest; but, depend upon it, the state of things that existed in 1842 could not have continued without the landowner being the first and principal sufferer. The hon. Member for Essex says, that he expected he was forming an agricultural Government, and he has been totally disappointed, and he withdraws his confidence from us; now I advise my hon. Friend to content himself with the withdrawal of his confidence, and not to assign the reasons. The hon. Member says, that my remedy has been to make the commercial and manufacturing interests of the country prosperous; in short, he says, to make them rich and hungry. Can there be anything more beneficial to the agricultural interest than first to make the manufacturing and commercial interests hungry, and then to make them rich? But, if we are not to gain your confidence [addressing the Opposition Members] on account of the slowness of our progress, and if we are to forfeit the confidence of those who have been hitherto our friends, on account of the rapidity of them, I must say I do most cordially hope that in that state of things you will both unite, not only in common accordance as to the course which shall be pursued, but in one common expression of want of confidence in the existing Government. For this is clear, that although you may not in general agree, yet a Government which has lost the confidence of one party, and has not gained the confidence of the other, is one that cannot satisfactorily administer the affairs of the country. To avert the consequences of such a loss of confidence, seeing as I do the consequences of the course we have pursued, I cannot express any regret or repentance. The principles we have acted upon are, I believe, sound; to those principles I must adhere. We will accompany the execution of them, as we have done before, with that cautious and deliberate consideration of all interests which the noble Lord enjoins upon us; but the principles themselves are sound. Believing in their soundness, no man contends more zealously than I do for the guardianship or the protection of individual interests; for the satisfactory promotion of the cause itself, it is most wise, most prudent, and most just, not to be rash and hasty in your decisions, but to apply a great principle with that caution and deliberation which shall recommend its adoption to all parties in this House.

Lord *J. Russell:* I think the House will feel that, though I occupied their attention for a considerable time in moving these Resolutions, I cannot leave the speech

of the right hon. Baronet altogether unnoticed. I will pass over some of the subjects upon which I might have been tempted to reply to the observations made on my speech; and above all, I will not inflict on the House any extracts from the reports of the chaplains of gaols in Sussex, which I think would show that what I had stated with respect to the education of prisoners in the gaol of Lewes was perfectly correct. Neither will I allude to the questions of colonization or education. But I wish to state to the House what the point is upon which I wish it to express its opinion. The question I wish to lay before the House is this—whether it is wise to make a further alteration in the import duties, and especially in that on corn? Whether it is wise to commence that change now, or whether it will be better to wait for a period of distress before you make that alteration? That there must be some further change in the Corn Laws, I think every day's experience shows. In the first place, it is evident, from every debate in this House, that the arguments in favour of the system of protection are growing weaker and weaker. And, in the next place, it must be obvious to the House that in every debate there are persons who have not expressed that opinion before, who come forward and say that they care little for protection. A noble Lord, on the first night of the debate, said he cared little for protection to corn; and the hon. Gentleman the Member for Winchester, who has to-night made an able speech, says, that the system of protection is tottering to its fall, and that the abolition of the Corn Laws must, in many respects, benefit the labourer. With such testimonies as these, and with the defenders of the Corn Laws using and repeating arguments which they formerly used, and urging them with diminished force, it is obvious that the time must soon come when there must be a further relaxation, and when the high duty of 40 and 50 per cent. on the food of the people will no longer be defended in Parliament. If that is the case answer my question. You are now—whether or not by the measures of Government I will not inquire—but you are now in a state of comparative prosperity. Your labourers generally are better off than they were when the price of food was high. You could, therefore, legislate without the least suspicion of your motives. You could legislate with the means of bringing the whole circumstances before you necessary to guide you in your decision. Now, Sir, can we be sure—will the opponents of my Resolutions to-night assure me, that they feel convinced that in a state of distress, when there has been a bad harvest, when corn has risen to a high price, that they can maintain the present Corn Law exactly as it stands at present? If these laws are not to be maintained, if this system is not to be continued, it will be well to legislate upon such subjects with some calmness and deliberation. It might so happen that in consequence of their long resistance to any alteration in these laws, those who are most deeply interested in the maintenance of the Corn Law might suffer by the attacks directed against them as the chief defenders of that law; and if there should be any such, might not the institutions of this country be in danger, if in any times of public extremity you are invited to the consideration of this question? If there be a fair case made out for any alteration in these laws, whatever may be the opinions entertained as to its merits, I call upon you as prudent men to make a concession now, at a period when it can be made with the best possible effect. The right hon. Baronet the Secretary of State for the Home Department, and also the right hon. Baronet at the head of the Government, referred the alterations which had taken place of late for the better, in the condition of the agricultural interests, to the measures they had adopted. Now, I think that change has not been the result of any alteration which has been introduced, but is rather the effect of favourable seasons; and such being the case, I think it makes a very material alteration in the argument. No matter what measures might be brought about by a wise Government to remedy the existing evils, the seasons will always produce a material effect; and you must always expect those alternations and vicissitudes which we have before experienced, and which we may experience again; and against these things it is our duty, if possible, to provide. In the year 1830, Sir E. Knatchbull moved an Amendment upon the Address, to the effect that the distress amongst the agricultural classes was not partial but general. In 1836, however, you heard nothing but speeches declaring how great was the prosperity of the country in all the various branches of trade and manufacture. In iron, in woollen, in

silk, and cotton, we were told there was not only a great increase in the exportation of manufactured goods, but also in the internal consumption. In 1837, there was a great deal of dangerous and ruinous speculation. Then again, in 1838, the price of corn began to rise, and that of course affected the condition of the labouring classes injuriously. After this followed a few bad seasons, and the consequence was that the time became one of serious suffering to the people. Are not these facts sufficient to show you that there may be again alternations of prosperity and distress? I, therefore, wish to take the opinion of the House whether they ought not now to decide upon the expediency of changing the measures now in existence. Is it not better that if an alteration is to take place, it should be made at a time of comparative quiet and prosperity? Is it not better, that whatever political struggles we have to go through hereafter, they may not be made darker by the reflection which might prevail, that there is one section of the com munity secured by the law a portion of wealth to which they were not justly en titled. But it seems to me that the argument of the right hon. Gentleman opposite, that the adoption of my Resolutions would imply a vote of want of confidence in Her Majesty's present Government, would go as strong against any proposition for the alteration of any law which did not emanate from themselves. [Sir *R. Peel* intimated across the Table, that the Resolutions involved an Address to the Crown.] It is truly for an Address to the Crown, but that makes no essential difference; for I stated distinctly the reason why I proposed it in that form—that in the present state of things, in all questions of legislation the Ministers of the Crown have taken upon themselves—and no doubt they consider they are right in so doing—the duty almost exclusively of legislating. The same objection of implying a want of confidence in the Government may be urged with equal justice to the Motion of the hon. Member for Wolverhampton for repealing the Corn Laws; it may with equal justice be said that that question has not been brought forward by the Government, and to bring it forward without their concurrence, implies a want of confidence in them. But upon this point of the case the right hon. Baronet said further, that he and his Colleagues had, he feared, lost the confidence of the hon. Baronet the Member for Essex (Sir J. Tyrrell), and not acquired that of the opposite side. As to that question, which I had thought was quite remote from my Resolutions, it is true the right hon. Gentleman, if he have forfeited the confidence of the hon. Baronet (Sir J. Tyrrell), has not acquired that of the Opposition. That the measures of the right hon. Baronet should have lost for him the confidence of hon. Gentlemen on his own side of the House, is not surprising; while they have not been of that character to secure for him that of his opponents. But, though I agree with the hon. Member for Essex, that he had, considering the understanding upon which he had supported the right hon. Baronet in obtaining his present position, grounds for withdrawing his confidence, I disagreed from the hon. Baronet, and those who think with him, that the importation of foreign cattle and Canadian corn has injured the farmers of this country. I do not believe that those importations have been at all injurious: they have had but little effect on the markets of this country; but if those imports had been greater, I am of opinion it would be for the benefit rather than the injury of this country. The agricultural interest must look for their prosperity to the prosperity of the country generally. So far I differ from the hon. Gentlemen opposite. But when they went on to say that they had been led to expect that the present Government would be in favour of protection, and against free trade, I think they were fully justified in making that observation. In fact, the truth of it is undeniable. The speeches of the right hon. Baronet (Sir Robert Peel) and his Friends in 1839 and 1840, tended to produce, and no doubt did produce, an impression that they were the determined friends and advocates of what was understood as protection to the industry of this country; and while their subsequent measures were in many respects useful, and not pernicious, I must say there is no just ground for placing confidence in them for any party; for it cannot be denied that they had, by declaring against our course of policy, carried the election of 1841, and having thus obtained office, had proposed measures which were beneficial to the country, but at the same time directly opposed to those declarations. As the right hon. Baronet had raised this question of confidence,

this was his (Lord John Russell's) answer. But if the hon. Baronet the Member for Essex, after what he had said, should take the course of the hon. Baronet the Member for Devon (Sir J. Y. Buller) in 1841, and move a Vote of want of confidence in the Government, I should hesitate before I agreed with him in that Motion; for what I should have to consider was how we were likely best to carry into effect those measures which are most favourable to our principles. I feel that if those who act along with me were to propose any of those liberal measures which have come from the other side of the House, the hon. Baronet the Member for Essex would oppose those measures; and not only that, but they would be opposed most likely by the hon. Gentlemen themselves who occupy the Ministerial benches, and consequently would be defeated. But thinking as I do, and acting in conformity with the principles which I have always acted on when in office, that these measures are most beneficial to the country, and withal more likely to be carried into effect by the present Government than any other, though I cannot be supposed to entertain any personal confidence in the hon. Gentleman opposite, I prefer not doing anything calculated to shake their tenure of office, or join in any expression of want of confidence in them, because I observe, that those great principles for which we have always striven will, as I said before, be more likely to be carried into effect by the present Administration than by any other.

Viscount *Clements* said, that in reading the Resolutions under the consideration of the House, the first thing that struck him was the total absence from them of anything regarding his native country. In reading those Resolutions, he was almost led to imagine that the Repeal of the Union had already been carried. The first of the Resolutions alleged that the country was in a state of tranquillity; but if tranquillity prevailed in that part of the country from which he had come, then had he been of late in a dream. He had heard the other day of a meeting on Tara Hill; and he had come from a county which was in a state of total anarchy, and in which the ribbon system was the governing force. He admitted that the right hon. Baronet had proposed a measure which was calculated to produce hereafter the most beneficial results in Ireland; but the state of society in that country had been such of late years, that unless n conciliatory policy were adopted he should apprehend the most fearful consequences. He objected to those Resolutions on the ground that they had no definite object. With regard to the present law of settlement in this country, he wished to observe that there could not be a greater disgrace to its inhabitants than the manner in which his countrymen were turned back upon their native shores after they had spent the best part of their lives in increasing the wealth and property of the English capitalists.

The House divided on the Question, that the words proposed to be added, stand part of the Question:—Ayes 33; Noes 253: Majority 220.

List of the AYES.

Baine, W.	Hill, Lord M.
Berkeley, hon. H. F.	Mitcalfe, H.
Blake, M. J.	Mitchell, T. A.
Blewitt, R. J.	Pechell, Capt.
Bouverie, hon. E. P.	Plumridge, Capt.
Christie, W. D.	Ricardo, J. L.
Cobden, R.	Russell, Lord E.
Collett, J.	Tancred, H. W.
Duncan, G.	Trelawny, J. S.
Duncombe, T.	Villiers, hon. C.
Dundas, hon. J. C.	Wakley, T.
Ellice, E.	Warburton, H.
Ellis, W.	Ward, H. G.
Etwall, R.	Wawn, J. T.
Fielden, J.	Yorke, H. R.
Ferguson, Col.	TELLERS.
Granger, T. C.	Crawford, W. S.
Hallyburton, Lord J. F.	Bowring, Dr.

On the main Question being put, the House divided on the previous Question, viz., that the main Question be put:—Ayes 105; Noes 182: Majority against putting the Resolutions 77.

List of the AYES.

Arundel and Surrey, Earl of	Cobden, R.
Baine, W.	Colborne, hn. W. N. R.
Baring, rt. hn. F. T.	Colebrooke, Sir T. E.
Barnard, E. G.	Collett, J.
Barron, Sir H. W.	Corbally, M. E.
Berkeley, hon. Capt.	Cowper, hon. W. F.
Berkeley, hon. H. F.	Crawford, W. S.
Blake, M. J.	Curteis, H. B.
Blewitt, R. J.	Dalmeny, Lord
Bouverie, hon. E. P.	Denison, J. E.
Bowring, Dr.	Duncan, G.
Buller, C.	Duncombe, T.
Cavendish, hon. C. C.	Dundas, Adm.
Cavendish, hon. G. H.	Dundas, F.
Chapman, B.	Dundas, hon. C. J.
Christie, W. D.	Ebrington, Visct.
	Ellice, rt. hn. E.

Ellice, E.
Ellis, W.
Etwall, R.
Fielden, J.
Ferguson, Col.
Gill, T.
Gore, hon. R.
Granger, T. C.
Grey, rt. hn. Sir G.
Hallyburton, Lord J. F.
Hayter, W. G.
Heron, Sir R.
Hobhouse, rt. hn. Sir J.
Horsman, E.
Howard, hn. J. K.
Howick, Visct.
Hutt, W.
Jervis, J.
Labouchere, rt. hn. H.
Layard, Capt.
Leveson, Lord
Listowel, Earl of
Loch, J.
McTaggart, Sir J.
Mangles, R. D.
Marjoribanks, S.
Metcalfe, H.
Mitchell, T. A.
Morris, D.
Morison, Gen.
Morrison, J.
Norreys, Sir D. J.
O'Brien, J.
O'Conor Don
Ord, W.
Palmerston, Visct.
Parker, J.
Pechell, Capt.
Philips, M.
Plumridge, Capt.
Power, J.
Redington, T. N.
Ricardo, J. L.
Rice, E. R.
Rumbold, C. E.
Russell, Lord J.
Russell, Lord E.
Scrope, G. P.
Seymour, Lord
Shelburne, Earl of
Smith, B.
Smith, J. A.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stuart, W. V.
Tancred, H. W.
Towneley, J.
Traill, G.
Trelawny, J. S.
Villiers, hon. C.
Vivian, J. H.
Wakley, T.
Warburton, H.
Ward, H. G.
Watson, W. H.
Wawn, J. T.
Wilde, Sir T.
Wilshere, W.
Wood, C.
Wrightson, W. B.
Wyse, T.
Yorke, H. R.

TELLERS.
Hill, Lord M.
Tufnell, H.

List of the NOES.

Acland, T. D.
A'Court, Capt
Adderley, C. B.
Alford, Visct.
Arbuthnott, hon. H.
Arkwright, G.
Astell, W.
Austen, Col.
Bailey, J.
Bailey, J. jun.
Baillie, H. J.
Baird, W.
Bankes, G.
Baring, rt. hn. W. B.
Barrington, Visct.
Baskerville, T. B. M.
Bateson, T.
Beckett, W.
Blackburne, J. I.
Blakemore, R.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowles, Adm.
Boyd, J.
Brisco, M.
Broadley, H.
Bruce, Lord E.
Bruce, C. L. C.
Bruges, W. H. L.
Buck, L. W.
Buckley, E.
Buller, Sir J. Y.
Burroughes, H. N.
Campbell, J. H.
Cardwell, E.
Carew, W. H. P.
Castlereagh, Visct.
Christopher, R. A.
Clements, Visct.
Clerk, rt. hn. Sir G.
Clifton, J. T.
Clive, Visct.
Clive, hon. R. H.
Cockburn, rt. hn. Sir G.
Corry, rt. hon. H.
Courtenay, Lord
Cripps, W.
Damer, hon. Col.
Darby, G.
Davies, D. A. S.
Denison, E. B.
Dodd, G.
Douglas, Sir C. E.
Duncombe, hon. O.
Du Pre, C. G.
East, J. B.
Eastnor, Visct.
Escott, B.
Farnham, E. B.
Fellowes, E.
Fitzroy, hon. H.
Forbes, W.
Forester, hn. G. C. W.
Fox, S. L.
Fremantle, rt. hn. Sir T.
Fuller, A. E.
Gardner, J. D.
Gaskell, J. Milnes
Gladstone, Capt.
Glynne, Sir S. R.
Gordon, hon. Capt.
Graham, rt. hn. Sir J.
Granby, Marq. of
Greenall, P.
Greene, T.
Gregory, W. H.
Grimsditch, T.
Grimston, Visct.
Halford, Sir H.
Hamilton, C. J. B.
Hamilton, J. H.
Hamilton, W. J.
Hamilton, Lord C
Hampden, R.
Hanmer, Sir J.
Hayes, Sir E.
Heneage, G. H. W.
Heneage, E.
Henley, J. W.
Herbert, rt. hn. S.
Hodgson, F.
Holmes, hn. W. A'C.
Hope, hon. C.
Hope, A.
Hope, G. W.
Hotham, Lord
Hughes, W. B.
Hussey, A.
Hussey, T.
Ingestre, Visct.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Johnstone, H.
Jones, Capt.
Legh, G. C.
Lennox, Lord A.
Lincoln, Earl of
Lockhart, W.
Loftus, Visct.
Long, W.
Lopes, Sir R.
Lowther, Sir J. H.
Lowther, hon. Col.
Lygon, hon. Gen.
Mackenzie, T.
Mackenzie, W. F.
McGeachy, F. A.
McNeill, D.
Mainwaring, T.
Manners, Lord J.
Martin, C. W.
Martin, T. B.
Marton, G.
Masterman, J.
Maxwell, hon. J. P.
Miles, P. W. S.
Miles, W.
Milnes, R. M.
Mordaunt, Sir J.
Morgan, O.
Morgan, C.
Mundy, E. M.
Neeld, J.
Neville, R.
Newdegate, C. N.
Nicholl, rt. hn. J.
Norreys, Lord
Northland, Visct.
O'Brien, A. S.
Palmer, G.
Peel, rt. hn. Sir R.
Peel, J.
Pennant, hon. Col.
Pigot, Sir R.
Plumptre, J. P.
Pollington, Visct.
Praed, W. T.
Pringle, A.
Repton, G. W. J.
Richards, R.
Rushbrooke, Col.
Russell, C.
Russell, J. D. W.
Sandon, Visct.
Scott, hon. F.
Seymour, Sir H. B.
Smith, A.
Smith, rt. hn. T. B. C.
Smyth, Sir H.
Smythe, hon. G.
Somerset, Lord G.
Stewart, J.
Stuart, H.
Sturt, H. C.
Sutton, hon. H. M.
Tennent, J. E.
Thesiger, Sir F.
Thornhill, G.
Tower, C.
Trench, Sir F. W.
Trevor, hon. G. R.
Trotter, J.
Villiers, Visct.
Vivian, J. E.
Walsh, Sir J. B.
Whitmore, T. C.
Wodehouse, E.
Wood, Col.
Wortley, hon. J. S.

TELLERS.
Young, J.
Baring, H.

The Resolutions consequently were not put to the House.

EXCLUSION OF MEMBERS FROM THE DIVISION.] Mr. *Hindley* complained that he and several Members having been by accident shut out from the first division; he desired the doorkeeper to admit him the moment the numbers of that division were declared. The door was not opened; and they were shut out from the second division also. It was very desirable the Speaker should give his opinion on the point, whether the doors ought to be opened to Members on a second and different division?

Sir *E. Filmer* also complained of having been excluded in the same manner.

Mr. *Speaker* said, although hon. Members might be shut out from a first division, they ought to be admitted to the second. It must have been by some misapprehension on the part of the officer of the House that the hon. Members had been excluded.

Mr. *Hawes* said, he had been discussing a point of common interest with some metropolitan Members, and it was only by accident he was shut out from the first division. He distinctly applied to have the door opened on the second division; but the officer declined to open it. If this was a mistake on the part of the doorkeeper, he hoped the Speaker would convey to him the opinion he had expressed, that the accident might not again occur.

Mr. *Speaker* said, he would take care the mistake should not happen again.

House adjourned at two o'clock.

HOUSE OF COMMONS,

Thursday, May 29, 1845.

MINUTES.] BILLS. *Private.* — *Reported.* — Quinborowe Borough; West London Cemetery; Belfast and Ballymena Railway (re-committed).

3°. and passed:—Wilts, Somerset, and Weymouth Railway; Eastern Counties Railway (Ely and Whittlesea Deviation); Exeter and Crediton Railway; Watermen's Company (Poor's and Endowment Fund); Great Grimsby and Sheffield Junction Railway.

PETITIONS PRESENTED. By Mr. S. Crawford, from several places, for Extension of Parliamentary Suffrage.—By Mr. G. Hamilton, from several places, for Encouragement to Schools in connexion with Church Education Society (Ireland).—By Mr. Colvile, and Mr. Plumptre, from several places, for Better Observance of the Lord's Day.—By Mr. Baskerville, Mr. O. Duncombe, Sir R. H. Inglis, and Mr. Plumptre, from several places, against the Grant to Maynooth College.—By Mr. J. O'Brien, and Mr. M. J. O'Connell, from several places, for Abolition of Ministers' Money (Ireland).—By Mr. Plumptre, from Archdeacon and Clergy of Wells, against Union of St. Asaph and Bangor.—By Viscount Grimston, from Bishop Stortford, for Repeal of Malt Duty.—By Mr. Ryder, from Hitchin, for Rating Owners of Small Tenements in lieu of Occupiers.—By Dr. Bowring, from several places, in favour of the Ten Hours system in Factories.—By Mr. Roebuck, from several places, complaining of Maladministration of Justice in Guernsey.—By Mr. Berkeley, Mr. Brotherton, Mr. Cobden, and Mr. Wakley, from several places, for Repeal or Alteration of Insolvent Debtors Act.—By Mr. Mitcalfe, from Tynemouth, for Alteration of Merchant Seamen's Fund Bill.—By Mr. Colvile, Viscount Grimston, and Lord A. Lennox, from several places, for Alteration of Law relating to the Sale of Beer.—By Sir T. Winnington, from Bridgenorth, in favour of the Salmon Fisheries Bill.

PRIVILEGE—PRINTED PAPERS.] Mr. *Wynn* moved that the Select Committee of Privilege appointed to consider the case of Howard *v.* Gossett, be empowered to report from time to time.—Agreed to.

The *Solicitor General* appeared at the Bar with their first Report, which was read as follows:—

"The Select Committee appointed to inquire into the proceedings of the Action of Howard *v.* Gossett, and to report their observations and opinion thereon to the House, have agreed to the following Report;

"In the course of the consideration which your Committee has given to the subject referred to them, they have been apprised of proceedings in the progress of the Action, of which it is proper that the House should be informed without delay. The Plaintiff on Tuesday last executed his Writ of Inquiry, and his damages were assessed by the Jury at 200*l.*; and upon the Judgment for that amount he will be enabled to levy his execution on Monday, the 2nd of June.

"Your Committee will at an early period present a more detailed Report than they are at present prepared to make; but they feel it to be their duty to submit their opinion, that it is advisable that a Writ of Error should be brought on the Judgment of the Court of Queen's Bench; and as the levying of the Plaintiff's execution will in no respect prejudice the proceeding in the Writ of Error, your Committee do not deem it expedient to advise the House to interpose to prevent the levy."

On the Question that the Report be printed,

Mr. *Hume* said: If this is the way in which the privileges of the House are to be vindicated, it does appear to me that we want some better defenders than those we have at present. The Report of the hon. and learned Gentleman seems to me to throw discredit on this House; and, indeed, the result to which the Committee have been obliged to descend, might have been anticipated from our yielding in the first instance. The time is now come when we are to decide whether we have really any privileges or not. Not an hour, in my opinion, should be lost in bringing the question to an issue. As a Member of this

House, I must say I feel disgraced by the Report which you have just heard.

The *Solicitor General:* I regret that the hon. Gentleman should have used such strong expressions on an occasion which does not call for them. The reason why the Committee has not made a full and final Report, is, because they are anxious to put the House in possession of the grounds which have guided their decision. If the hon. Gentleman wishes to come to a Resolution before the House has full information before it, it is open to him to propose that course. But, the House not being committed in any way, I think it would be premature to come to a vote before we have all the facts before us.

Mr. *Hume:* I wish to ask, is there any means of stopping the levy? That is what I think disgraceful.

Mr. *Watson:* Execution can be sued out, unless you mean to give bail in error.

The *Solicitor General:* It is the opinion of the Committee that bail in error should not be given. If the House is desirous of considering the question at once, I shall move that the Report be printed, and taken into consideration to-morrow.

Mr. *T. Duncombe:* On a former day, the hon. and learned Gentleman moved for certain documents in this case. We have got the judgment, but not the record or warrant.

The *Solicitor General:* The record is not made up until final judgment. We have, however, what will constitute the record—the pleadings; and these and the warrant will be ready to-morrow.

Sir *T. Wilde:* All that is material in the record we can have—the declaration, pleas, demurrer, and the opinions of the Judges. The remainder is merely formal matter.

Question agreed to.

Report to be taken into consideration the next day.

COURT MARTIAL (INDIA)—CASE OF MR. HOLLIS.] Mr. *B. Escott* rose to put to the hon. Member for Beverley the question of which he had given notice. He wished to ask him whether the Court of Directors of the East India Company had considered the case of Lieutenant Hollis, late of the East India Company's service, who had been tried by a court martial and dismissed?—whether he was enabled to give any opinion as to the legality or illegality of the court martial by which he had been dismissed? Secondly, supposing that, in their opinion, the court martial which had dismissed Lieutenant Hollis was illegal, whether he did not think that some substantial compensation should be made by the Company to that Lieutenant for his dismissal by a sentence which the Court of Directors of the East India Company themselves considered as illegal? And he would ask, in addition, if the hon. Member was not aware that in the opinion of many learned persons that court was an illegal court?

Mr. *Hogg* thought he was scarcely called upon to answer these questions. If it were the pleasure of the House that he should go into the case of Lieutenant Hollis, he would do so; and he would state the charge against that gentleman, not in his own words, but in the words of the finding of the court, with the observations of the Commander-in-Chief thereon. He would state this in the words of the finding, without adding a word of observation from himself, if the House thought it expedient that he should do so; but he gathered that the House was of opinion that it would be better that he should abstain. With regard to the legality of these proceedings, he was surprised that the hon. Gentleman should ask whether or not the Court of Directors had considered the legality of the court martial. They had no right to take upon themselves to judge of its legality. The whole authority of courts martial was, by the warrant of the Crown, in the Commander-in-Chief. He was the sole authority on the subject, and from his decision there was no appeal. The Court of Directors had no power to alter, correct, or affirm the decision of any court martial. The Mutiny Act described the course of proceeding if there was reason to complain. The Courts of Westminster were open to those who in this country felt themselves aggrieved; so were the courts in India, and the courts in the various Presidencies. The Court of Directors had no power to pass any opinion on the finding of a court martial. They had the power, by the 51st of George III., to restore the officer who had been suspended or dismissed by the sentence of a court martial; but the power of the Statute did not come into operation till the sentence of the court martial had been promulgated. The Court of Directors had considered the case of Lieutenant Hollis, and believed it one of some hardship. If he had voluntarily retired from the service, he would have been entitled to a pension of 73*l.* a year; and

although he had forfeited his right to that allowance, the Court voluntarily agreed to give him the sum of 70*l.* a year—3*l.* less than the pension he would otherwise have received—considering him to be afflicted with some infirmities of temper which prevented his remaining in the service. To show the House how careful the Directors had been in exercising the power vested in them of restoring officers to the service who had been dismissed by a court martial, during twenty-seven years they had only exercised it on eight occasions; and every one of these cases were referred to them by local authorities, or by the Commander-in-Chief himself. The Court of Directors had inquired into this case with a desire to do every thing for this unfortunate man consistent with their duty to that service in which he had been an officer. He repeated, that he was not the organ of the Court of Directors; he merely gave his individual opinion, and did not think much discretion was shown in forcing the subject before the House.

Subject at an end.

ATTENDANCE OF MEMBERS.] Lord *Ashley* took that opportunity of stating that he wished to trespass on the House for a few moments only, on a matter personal to himself. He had understood that his absence from last night's debate had been very severely commented upon. He had last night taken the chair at a meeting of Sunday School Teachers in a remote district of Lambeth, for which he had been engaged for several months, and where he had been detained for several hours; and he did not think that, at that late period of the evening, it was necessary to attend that House to take part in a division upon a Motion which, whether it were successful or not, could lead to no practical result.

INSOLVENT DEBTORS.] Mr. *H. Berkeley* rose, pursuant to notice, to bring before the House the Insolvency Act, or Small Debts Bill of last Session, in order to point out the evils of its operation, whether prospective or retrospective, and to ask the House to grant a Committee to inquire into those evils with a view to their remedy. He believed that an inquiry would convince the most sceptical that the Act in question had a tendency to demoralize the people, while it was fraught with the most ruinous consequences to trade. On this subject the right hon. Baronet the Secretary for the Home Department had been frequently pressed; but as yet he had turned a deaf ear to all solicitations, and still persisted in fondling Lord Brougham's bantling, although its parent had turned his back upon it. No one had more respect than himself for the talents of the noble Lord, or viewed with greater admiration than he did his wonderful Bill-begetting powers: at that moment he had nine young Bills on the Table of the other House—just born, and was probably looking to the right hon. Baronet to suckle them and bring them to perfection. Among those Bills was one intended to replace the right hon. Baronet's present pet; but he trusted that such would not be offered as a reason for refusing a Committee. The country had suffered too much in the same quarter from crude legislation, from want of deliberation, from indecent haste—and the tradesmen of England were now suffering from the loss of nearly three millions of money (this he stated on authority) from the Insovency Act of last Session; and under such circumstances he hoped that the House would consent to inquiry, instituted for the purpose of perfect information, made by a Committee of their own body, to furnish such a report as would lead them to a correct judgment in adopting or rejecting any measure which might be offered for their consideration. When the Bill was brought into the House last Session, at the close of the summer, before half the House knew the measure as a Bill it had passed into a law. The constituency he had the honour to represent pressed for opposition, and he presented their petition; but having reserved the expression of his own opinion until he had heard the Solicitor General, he felt bound to admit that the Solicitor General's statement was of such a nature that he found it impossible to refuse his concurrence in putting a stop to a system disgraceful to a Christian country. Dungeons, it appeared, were set apart for the confinement of poor debtors, rivalling the Black Hole of Calcutta; the innocent and the guilty were thrust in promiscuously; the fraudulent and the unfortunate immured in kennels, to which those occupied by gentlemen's foxhounds and pointers were a palace. Such was the picture the first four prisoners presented when examined by Her Majesty's Government; had the one at Bristol been the fifth inspected, he believed a different

result would have been obtained. Not for one moment, however, did he stand there to suggest or urge the re-adoption of the old law; so far from it, that if any hon. Member were to attempt such a proposition he would resolutely oppose it, and be the first to vote against it; but he did ask the House to take into its serious consideration the unfortunate difficulties into which they had plunged the trading classes of this country by hastily passing an Act which, although it might have smothered one crying evil, yet had effected that purpose by inflicting upon those classes another grievous wrong. The change to be wholesome, was too violent; formerly the debtor was too much at the mercy of the creditor. Now the creditor was too much at the mercy of the debtor; the debtor, wholly without any personal responsibility as to all debts under 20*l.* The alarm and excitement produced among the tradesmen of the country might be gathered from their numerous petitions; and those from London, Bristol, Liverpool, Bath, Birmingham, Southampton, Leeds, Bolton, Manchester, Norwich (some towns presenting two and three petitions, and all most numerously signed), were unanimous in declaring the losses sustained by the retrospective operation of the Act, and giving forcible reasons why the prospective operation would be equally disastrous. Were their opinions unsupported? Far from it; he was prepared to prove the bad retrospective operation of the Act, and high legal authorities who had to carry the Act into operation condemned it. Mr. Commissioner Fane had written ably on the subject; and Mr. Commissioner Evans, in the early career of this young Act, declared that it appeared to him calculated to become a refuge for all the rogues and vagabonds in the kingdom? It had been calculated that insolvents deprived their creditors annually of about 50,000,000*l.* If the present Act were not altered, what the additional loss would amount to was a matter of frightful conjecture, seeing that three-fourths of the tradesmen's debts in this country were under 20*l.* and that these debts, from the absence of any visible property in the majority of debtors, could only now be considered as debts of honour. It seemed a strange contradiction in legislating, that whilst every opportunity was sought to render the Unions as repulsive as possible to the pauper, with a view to check imposition, the Government, by their present system, had rendered the Insolvent Courts as attractive as possible to the debtor who should feel disposed to defraud his creditor, by affording him every facility of doing so. What follows under such a system? Laxity of morals, and, dishonest principles enjoy a licentious reign. An argument in favour of the Act was stated to be, that it would prevent credit from being given. How chimerical and absurd! A strange doctrine to broach in a country which avowedly depends on her mercantile credit for her commercial prosperity; the wealth produced is averaged at 164,000,000*l.*, and the actual cash in circulation at 46,000,000*l.* What credit was to commerce, so it must be to trade in all its branches; it is essential to the merchant and tradesman, whether wholesale or retail, and ramified from them down to the customer—yet what had the Government done? It had protected the credit of the rich, and denied it to the poor. It had protected the trader above 20*l.* but turned its back upon the trader below. For instance, "Pay me," says the wholesale man to his retail debtor, "21*l.* which you owe me, or I'll lock you up." "Don't do so," replies the retail man, "because two customers of mine owe me 19*l.* each, and not having visible and tangible property, laugh in my face, and I cannot lock them up!" What kind of legislation could that be which defined the difference between rigid responsibility and complete impunity, and assessed its value at 2*l.* It had been urged that an utter absence of credit would be conducive to the welfare of the working classes. He took leave, most emphatically, to deny that. It was another strange doctrine to say, that men were made more moral by being made more miserable! He admitted that great facilities for credit to the poor man would be ruinous; but if when compelled by misfortune to seek, he could not obtain credit, his cup of misery would indeed be full! Let this be exemplified by the case of a working man from either town or country—a mechanic or an agricultural labourer—with a wife and two or three children, and 14*s.* or 16*s.* a week wages. If he pay rent and taxes—if he pay for food and clothes—in short pay his way and live respectably, such a man is deserving of all praise, he can lay nothing by: common occurrences pass over him; the sickness of one of his children

ending in death. To supply more nourishing food and medical attendance during sickness, and after death to obtain the means of Christian burial, credit must be that man's only resource. Deny him credit, and you assert the monstrous principle, that when the poor man is under the visitation of God, you refuse him relief from man. Now, the relief of credit was entirely shut out by that wretched enactment. He would ask the House which kind of relief was most moral or praiseworthy, the relief of wholesome credit, or that obtained from the Board of Guardians? Shall he follow his child to a pauper's grave? The poor but honest man without a blush might ask for credit and meet its results, but would be broken-hearted to beg for alms. In this country it was a pretty well ascertained fact, that seven-tenths of the people anticipated their incomes. Could it be supposed that such a state of things was to be remedied by Act of Parliament? Amongst those who anticipated their incomes, the clergymen of the Church of England formed a prominent class. The very nature of their property rendered credit to them necessary. Obstacles might be thrown in the way of credit, but its necessity could not be done away with; nor could any Act prevent its being given as it ought to be. But there was another class much less worthy of credit, who anticipated their incomes—the thoughtless and the extravagant—these would laugh at Acts of Parliament, and obtain credit in spite of them. They will mock the Legislature with the words of the old poet—

"Dost thou think, because thou art virtuous, there shall be no more cakes and ale? Ay, marry shall there; and ginger shall be hot i'the mouth too."

Cakes, and ale, and ginger will still be found by tradesmen at their risk, imminent as it has been made; because a refusal to do so would eventuate in their ruin. One thing, however, has been effected. A class of dishonest tradesmen has been encouraged, to the discouragement of honest tradesmen; for a class of spurious tradesmen exist, and begin to flourish, under the operation of this law, who, trading on a fictitious capital, will always give credit, because they do not pay. But it has been stated, that as all remedy for debts under 20*l.* is denied to the tradesman, he must protect himself by the exercise of discretion and acuteness—in other words, the rogue must be protected from the tradesman, but not the tradesman from the rogue. It was impossible, in the present vitiated state of society, to refuse credit. A writer, speaking of the present prevailing system in England, thus expressed himself—

"It had made debt a national habit; it had made credit the ruling power, not the exceptional auxiliary, of all transactions; it had introduced a low, indirect, haphazard, and dishonest spirit in the conduct of both public and private life—a spirit dazzling, and yet dastardly—reckless of consequences, and yet shrinking from responsibility; and, in the end, it had so overstimulated the energies of the population to maintain the material engagements of the State, and of society at large, that the moral condition of the people had been entirely lost sight of."

He denied that acuteness and discretion could protect the tradesman in giving credit. He (the tradesman) might have all the acuteness of Westminster Hall, and the discretion of the twelve Judges, and have to the bargain the power of referring to a bureau of spies—for the law, as at present constituted, turns every tradesman into a Fouché or a Vidocque, a mean spy, and incites him to look into the affairs of his customers—to pry into their earlier lives, as well as their present circumstances—yet still, with all this, he could not protect himself from fraud. If any hon. Member could define the outward and visible signs of honesty and dishonesty, it would be of infinite service to the tradesman. He (Mr. Berkeley) professed to be utterly unable to ascertain what were the distinguishing marks of either, for honesty was not always to be found in purple and fine linen; honesty sometimes wore fustian, whilst dishonesty was covered up in velvet; honesty was not always to be found domiciled in a square, nor dishonesty always in a narrow street; honesty sometimes walked, or drove in an omnibus; whilst dishonesty mounted a horse, or rejoiced in its own peculiar Brougham. Was previous character (the hon. Member proceeded) a security to the tradesman? So far from it, that under the temptation of the Act of last Session, customers who had been regular in their payments for years had now become defaulters; a fact strongly urged, and set forth in a petition he had presented from the tradesmen of the city of

London and Westminster. A tradesman now had no redress from persons in furnished lodgings, holding situations with large salaries, perhaps; indeed, under the present state of things—the caption of person being disallowed, and no remedy in lieu existing—the different forms and modes of fraud vied with each other to rob the creditor. Fictitious transfer of property would be much encouraged; and friends, relations, and landlords would emulate each other in securing for debtors their property to the injury of creditors. He had a great number of cases to refer to, bearing upon the operation of this law retrospectively; and others showing that prospectively it exhibited no better promise. Here the hon. Member quoted a number of cases furnished by the tradesmen of London and Bristol; in most of them it appeared that they had tried the recovery of debts under 20*l.*, from November 1844 to April 1845, but had failed; and, in consequence of which, they were resolved to give up enforcing their claims —some had discharged workmen, and were contracting their businesses. Two remarkable cases he must be permitted to call particular attention to, as illustrating the argument: one was that of an old woman, near ninety years of age, in Bristol gaol, confined for a debt of 24*l.*; she had debts due to her amounting to within a fraction of the sum, but being under 20*l*, severally, not one could she recover; her name was Bull. Such was the dreadful state of things under this Act. The other case was derived from an inspection of the books of Mr. Llewellyn, a most respectable tradesman of the city of Bristol, and which would not only prove the iniquitous operation of the Act, but show its reaction upon the Government itself. It was found that since the passing of the Act of last Session that he had bad debts to the amount of 102*l.*, due from persons who had never failed to pay him previously. He had also 150*l.* due from persons in good circumstances, which he could recover, and which never would have been disputed under the old system. He had been compelled to circumscribe his business to the annual amount of 200*l.*, making a gross loss of 452*l.* He had paid Income Tax upon this dead loss, but in future, would make a blank return. He would trouble the House with but one more document. In consequence of the utter incompetency afforded to tradesmen to recover debts not amounting to 20*l.* in local courts, the business of those courts had decreased to such an extent, that the deficiency of fees to the officers of such courts would have to be paid from the Consolidated Fund. But it was not to be supposed for one instant that this denoted the presence of virtue and the absence of debt. The contrary was the fact: the utter failure to obtain justice was the cau e that deterred tradesmen from going into court. As a specimen of the Act's influence upon these courts, he would take the Court of Requests for Southwark. The salaries of the chief baliff and the three first clerks under him, amount in the aggregate to 2,241*l.* 8*s.*, paid by fees; all deficiency was made up from the Consolidated Fund. Now, after the passing of the Debtor and Creditor Act of 1844, the fees were so diminished in the first half year, as to leave a deficiency of 716*l.* 8*s.* 4*d.* and, consequently, at the close of the year the Consolidated Fund would be saddled from this Court alone with 1,432*l.* 16*s.* 8*d.* In conclusion, he would ask the right hon. Baronet to grant his assent to a Committee. Surely, when on all sides it was admitted—partially there, fully in another place—that evils did exist from inconsiderate legislation, the demand for full and unbiassed inquiry would be deemed reasonable. It might be urged, that as he made the complaint, so he should bring in a Bill; this he disputed. He had urged, feebly perhaps, but honestly, the complaint of the tradesmen of England; and he was ready to prove their case, if he might, to the right hon. Baronet. To the right hon. Baronet all looked for some remedial measure; he had inflicted the wrong, let him repair the error, nor turn away from the truth. No Member in that House had the advantages which belonged to the right hon. Baronet; in addition to his great experience and admitted talent, he could command the sound legal knowledge and brilliant abilities of a Follett and a Thesiger; it was from the right hon. Baronet they had a right to expect a remedial measure—from him the tradesmen of England had a right to expect redress. If the right hon. Baronet would not concede a Committee, or grant satisfaction on this subject, he would appeal to the House. Tradesmen looked to that House in this their time of need; and hon. Members who stood by them at such a time, might

then look to tradesmen in times when the support now afforded to them would be gratefully returned. The hon. Member concluded by moving—

"That a Select Committee be appointed to inquire into the effects produced on Debtors and Creditors, by the operation of the Insolvency Act of last Session."

Mr. *Kemble* seconded the Motion. His object was to have an inquiry granted, in order to consider of devising securities against fraud more effectual than were provided by the Act of last Session.

Sir. *J. Graham* had listened with great attention to the speech of the hon. Gentleman who introduced the Motion, and he was obliged to say that, after all the attention he could bestow on it, he felt at a loss, even at the close of the speech, to ascertain any definite object which the hon. Gentleman had in view. He imagined that that object was to remedy certain defects in the Act of last Session, which gave rise to frauds on the part of debtors, and placed obstacles in the way of honest tradesmen recovering their debts. He was not of opinion that the course which the hon. Gentleman had taken was the one best calculated for the attainment of his object; direct legislation he thought was the preferable course. The hon. Gentleman had referred to the law officers of the Crown; but he forgot to mention the first law officer, namely, the Lord Chancellor of England, and he might state that there was at this moment a Bill pending in the other House of Parliament, to which that noble and learned Lord had given the most anxious and earnest attention, for the purpose of rectifying the defects of the Act of last Session. The hon. Gentleman who had made the present Motion, said, in the most emphatic manner, that it was not his intention to repeal the Act of last Session, and revive imprisonment for debt. He rejoiced to hear that declaration: for, with all their professions of sympathy for the working classes, feeling for their miseries, and desire to promote their welfare, he could not conceive any course more inconsistent with these professions, than the revival of imprisonment for small debts. He was convinced that the apprehensions of evil from the change in the law were almost devoid of foundation; in fact, no complaints had been made on the part of the great body of the community; they arose entirely from the retail dealers—a class well worthy of respectful attention, but comparatively wealthy, and possessed of considerable power. Nothing was withdrawn from the creditor by the law, as recently amended, but command over the person of the debtor. The hon. Member had said there was an invidious distinction drawn between two classes of debtors, those owing large and those owing small sums. It was not correct to say that the creditors had power over the debtor above 20*l.* so summary as the hon. Member had represented; he must proceed by action, and it was only on proof being given before the Judge that fraud was intended that a summary power was given. The hon. Member had styled the Act of last Session an instance of crude legislation. If any subject had been well considered by a Government, it was the law of debtor and creditor; no act had received a larger share of attention during the last twenty years. Though there were imperfections in the Act of last Session, it had been very fully and completely discussed. Not a single argument had been brought forward by the hon. Member on this occasion which had not been fully considered by the House in the course of last Session. The hon. Member's speech was not one for inquiry; it was one in condemnation of the Act. He was willing to admit that its provisions might not be sufficiently summary, or of sufficiently easy operation against the goods of the debtor, if he were disposed to act fraudulently. That object was carefully considered in the Bill to which he had alluded, brought in under the sanction of the highest legal authority in the other House. That measure, he had reason to believe, would come down to them in a very short time, and, so introduced, it would be his duty to proceed with it on the part of the Government. Instead of instituting a fruitless inquiry, which could lead to no result, he hoped the House would be disposed rather to wait and see the practical measure which would be introduced for the relief of a practical grievance. He hoped the hon. Member would not press the Motion; he admitted most distinctly that some alteration in the Act of last Session was necessary.

Mr. *Parker*, as steward of a manor in which one of those courts was located, had seen so much of imprisonment for small debts, that he trusted nothing would induce Ministers to consent to the revival of a system under which the poor had been huddled together in prisons of the vilest kind, without control or superintendence. The measure of last Session might tend in some degree to dislocate the present system

of credit; but he believed that that system would be gradually adjusted to the new order of things. It might be proper to resort to imprisonment in cases of fraud, but, even as the Act now stood, he considered that sufficient power was retained to check fraud. One clause with that tendency was of a very stringent nature, and if persons holding the situations of Commissioners in those courts were urged to put that clause into operation, it would be found very effective.

Mr. *M. Philips* was anxious that this Committee should be granted, because he thought that last year their legislation had been hurried, and that portion of the Committee which was chiefly interested in the question had not had sufficient time to consider it. He would not trust exclusively to the inquiries of the Upper House, and thought a Committee best calculated to meet the case.

Mr. *Hawes* understood that there had been a Committee on this subject in the House of Lords, and that a Bill was now pending in that House to provide a remedy for the evil complained of. He, therefore, was of opinion that the appointment of a Committee by this House on the same subject would retard rather than accelerate the object which the hon. Member for Bristol had in view. Under these circumstances, he hoped his hon. Friend would not press his Motion. The mercantile interests were anxious that the question should be as soon as possible brought under the consideration of the House. The public, perhaps, were not aware that the local courts already possessed very stringent powers, which, in his opinion, it would be neither desirable nor safe to increase. The subject was one which had been often discussed, but he hoped the time was coming when the general opinion would be in favour of establishing a general and an efficient system of local courts for the recovery of small debts.

The *Solicitor General* expressed a hope that the hon. Gentleman would withdraw his Motion, in order that the House might have the opportunity of first seeing the Bill which was to come before it shortly. It was, perhaps, important that the House should know the course of legislation on this subject. In consequence of the Report of the Inspectors of Prisons, the attention of the Government was drawn to the number of persons imprisoned under warrants from the courts for the recovery of small debt throughout the country. The attention of the Legislature having been called early to the subject, there was a general impression that it was necessary, in order to remedy the evil, utterly to abolish imprisonment for debt on final process under 20*l.* Unquestionably, at the time the subject was under the consideration of Parliament, suggestions were made that regard should be had, not only to debtors, but also to persons compelled from the nature of their business to give credit, and not to take from them the security they had for the satisfaction of their debts. Parliament was anxious to provide them with an adequate security, and consequently a remedy was given which was supposed to be effectual. A general remedy was granted against the goods of the debtor, and also a power was given to the judge or court who tried the case, to imprison for a specified time a party who obtained goods fraudulently, or without a reasonable expectation of being able to pay for them. But now, when the power of imprisonment was taken away, it was undoubtedly right that there should be something substituted for that power, in order to afford adequate security to the creditor. It would, no doubt, be the desire of every one to have the creditor sufficiently protected, if that could be done without placing too much power in his hands. But the danger was this, that if you conferred a power on the creditor which he was to use against persons who had fraudulently incurred debts, you could not limit his exercise of that power so as to prevent him from using it against persons who, having incurred debts with a reasonable expectation of paying them, might, from unforeseen circumstances, be utterly unable to do that. If there were means by which additional security could be given to the creditor, without reviving imprisonment for debt, he should be glad to adopt them.

Mr. *Spooner* thought that after what had fallen from the right hon. Baronet the Secretary of State and the Solicitor General, the hon. Member for Bristol should withdraw his Motion. His own wish was to see the fullest security given to the creditor with the least inconvenience to the debtor.

Mr. *H. Berkeley* said, that after what had been stated by the right hon. Baronet (Sir J. Graham), he could not do otherwise than withdraw his Motion.

Motion withdrawn.

MINISTERS' MONEY.] Mr. Sergeant

Murphy, in bringing forward the Motion of which he had given notice, in reference to the repeal of so much of the 17th and 18th of Car. II., c. 7, as related to the payment of Ministers in corporate towns in Ireland, wished to state the origin of an impost which pressed with so much severity on both the higher and lower orders in Ireland. An Act was passed in the reign of Charles II., having for its object the providing of sustenance for certain Protestant clergymen introduced into eight towns in Ireland, in which at that time a number of Protestant colonists resided. Indeed, the inhabitants of those towns were then almost, if not altogether, Protestants; and for the maintenance of the Protestant religion among them, it was considered necessary that this levy should be made. The result of the late census had shown that the majority of the population of those towns were now Roman Catholics; and it was for the purpose of asking the Government to remove from them an impost which was a source of heartburning and disquiet, that he (Mr. Murphy) brought forward this question. From 1830 to 1835, important modifications had taken place with regard to the application of the Church revenue, which changes involved the principle of the present question. At that time the Ecclesiastical Commissioners admitted in their Report that so peculiarly obnoxious was the tax to the feelings of the Roman Catholics, and a great proportion of the Protestants of Ireland, that its advantages to the Established Church were more than counterbalanced by the odium attached to its collection. If the vestry cess was considered odious as a tax on conscience, it must be admitted that the immediate payment of Protestant Ministers by those of a different religion would be considered much more so. The house valuation, which regulated the amount of this impost, was limited to 60*l.*; and, therefore, the burden pressed most disproportionately on the lower orders. Several Protestant clergymen themselves regarded it as an extreme hardship on the poor to be compelled to pay this tax, and only continued its collection out of a respect for vested interests, and the rights of their successors. Another evil was that the non-payment of this impost operated to the deprivation of electoral rights. He hoped the Government would remove the impost, and provide a substitute from the funds of the Established Church. In this suggestion he was not amenable to the observation that this would be a diversion of the ecclesiastical revenues to secular, general, or Roman Catholic purposes; it was only re-distributing those funds in another channel. In former debates connected with the Church, he found it was admitted, and the Report of the Ecclesiastical Commissioners showed it, that in 1835 there were 151 benefices in Ireland without a Protestant; 194 with 10; 198 with 20; 133 having 30; 40 with 107; and 50 having each 77 Protestants, and that the joint income of these was 58,076*l.* He was aware that Acts were afterwards passed by which provision was made that in case no service was performed for three years in any church, it was to be declared vacant, and afterwards annexed to some other church, and a proportionate stipend given to the clergymen officiating in the church in which that annexation took place. He thought that principle might be extended, and that where congregations were below a certain number, the livings should be sequestrated, and the funds so applied by the Ecclesiastical Commissioners as to relieve Roman Catholics from such burdens as those of which he complained. He also thought the stipends of the Irish bishops might be diminished for a similar purpose. He had presented petitions, numerously signed, on the subject; and he trusted the Government—who, he was bound to say, were honestly fulfilling their promises of endeavouring to remove abuses from, and ameliorate the condition of Ireland—would do away with an impost which, in the terms of the Report referred to, did nothing whatever to counterbalance the odium connected with its collection. The hon. and learned Gentleman concluded by moving—

"That this House will resolve itself into a Committee to take into consideration the Act 17th and 18th Car. II., c. 7, intituled, 'An Act for provision of Ministers in Cities and Corporate Towns, and making the Church of St. Andrew's in the suburbs of the city of Dublin, presentative for ever,' with a view to the Repeal of so much thereof as relates to the payment of Ministers in Corporate Towns in Ireland."

Sir *H. W. Barron*, in seconding the Motion, said, it was a most remarkable fact, that nearly all the large towns in Ireland, inhabited by Protestants, were exempted from this tax. That circumstance made the tax more odious in Roman Catholic cities and towns. He hoped the Government would give their early attention to it with a view to its removal.

Sir *T. Fremantle* complimented the

tone in which the hon. and learned Gentleman had brought the subject before the House, but could not say the hon. and learned Gentleman was equally successful in finding a remedy. He admitted there were great objections to the tax; and he had considered the question with a view, if possible, of providing some remedy. Even last year his noble Friend who preceded him in office had conversed frequently on the subject with the Attorney General; but they had not been able to find a substitute for the present mode of paying Ministers in corporate towns in Ireland. The abolition of the vestry cess and the alteration in the tithe system had been referred to by the hon. and learned Gentlemen; but there were difficulties connected with Ministers' money which were even greater than any connected with those questions. No doubt there were strong objections to the payment of all taxes; but the power of collecting a tax from any individual lodger in the poorer parts of a great city pressed with undue severity. Nobody would object to have that remedied, if it could be done. The hon. and learned Gentleman was not borne out in his attempt to show the inequality of the tax, by referring to that portion of the Act which provided that no house should be assessed beyond the value of 60*l.* For, two hundred years ago, when this tax was imposed, it might fairly be presumed that 60*l.* was the extreme value that could be fixed on any house in Ireland. If that conjecture were correct, then all the other houses being assessed in the same ratio, the tax would not press disproportionately on the lower classes. He admitted, however, that great inequality had been created by the lapse of time which had occurred since the passing of the Act. He thought, however, that it was highly desirable to provide, if possible, some substitute for the tax. The hon. and learned Member said that the Church property ought to be brought to meet this burden; and the hon. Member further stated, that there were livings in Ireland in which no duties were performed, and that we ought to make the revenues of those livings subject to those burdens. But the hon. Member seemed to forget that the disposal of those revenues was already provided for, and that the property of the Church in Ireland was in the hands of the Ecclesiastical Commissioners. Now, with respect to the towns alluded to by the hon. and learned Member, he did not think it would be quite just altogether to relieve those towns from the payment of this impost. Service was performed in those towns by the Protestant clergymen, and the Protestant congregations filled the churches, and he did not see why those congregations should be relieved from the payment of those clergymen. He did not see why the Protestants should be altogether relieved from the payment of their own clergymen, when, to a certain extent, they were not unwilling to contribute to that object. The hon. Baronet who seconded the Motion said, that certain large towns in the north of Ireland did not contribute to the payment of Ministers' money; but the reason why those towns was exempted was because they were subject to the payment of tithes. This tax was not unknown in this country. It prevailed to a considerable extent in Edinburgh, and in London the clergy were to some extent paid by a house tax. He did not think the case so bad as the hon. and learned Gentleman had represented it. At the same time, looking at the number of Roman Catholics in the towns in Ireland, and at the period when the tax was imposed, he was of opinion that the case deserved consideration. He promised to bestow his attention on it; but he could not agree to the proposition of the hon. and learned Gentleman, which would put an end to the payment without providing a substitute. He hoped that the hon. Member would withdraw his Motion; and if the hon. Member declined, then he trusted the House would negative the Motion.

Mr. *E. B. Roche* said, that if the Government admitted the existence of the evil, they ought to provide a remedy. Why not take a substitute for this impost some of the overgrown revenues of the Irish Church? The object was not to get the matter taken into consideration, but to get rid of the abuse, and a pledge should be given by the Government that they would effectually deal with the subject.

The hon. Member was proceeding, when the House was counted out, and adjourned.

HOUSE OF LORDS,

Friday, May 30, 1845.

MINUTES.] *Took the Oaths.* The Lord Erskine.

Sat First.—The Earl of Munster, after the Death of his Father.

BILLS. *Public.*—1ª. Game Laws Act Amendment.

2ª. Indemnity; Museums of Art.

Private.—1ª. Exeter and Crediton Railway; Wilts, Somerset, and Weymouth Railway; Leeds and Bradford Railway Extension (Shipley to Colne); Manchester and Leeds Railway (Burnley, Oldham, and Heywood Branches); Castle Hill (Wexford) Docks); Chester and Holyhead Railway; Eastern Counties Railway (Ely and Whittlesea Deviation); Blackburn Waterworks; Shrewsbury, Oswestry, and Chester Junction Railway; Watermen's Company Endowment; Leeds, Dewsbury, and Manchester Railway; Huddersfield and Sheffield Junction Railway; Huddersfield and Manchester Railway and Canal; Cromer (Norfolk) Protection from the Sea; Bristol and Exeter Railway Branches); Hills Estate.

2ª. Earl of Onslow's Estate.

Reported.—Hemel Hempstead Small Tenements.

3ª. and passed—Newcastle-upon-Tyne Port; Scarborough Water; Hungerford and Lambeth Suspension Bridge; Southampton Docks.

PETITIONS PRESENTED. By Archbishop of Canterbury, Bishops of Salisbury, Chester, Norwich, St. David's, Cashel, St. Asaph, Llandaff, Winchester, Exeter, Duke of Richmond, Earls of Fitzhardinge, Roseberry, Roden, Eldon, Winchilsea, Falmouth, Marquess of Breadalbane, and by Lords Kenyon, Kinnaird, Lyttleton, and Feversham, from Otterhampton, and an immense number of other places, against the Increase of Grant to Maynooth College.—From Criccieth, and Ynys Cynhaiarn, and Treflys, against the Union of St. Asaph and Bangor.—By Bishop of St. Asaph, and Earl Powis, from Clergy and others of Monmouth, and Killybebyll, against the Union of St. Asaph and Bangor, but in favour of the Appointment of a Bishop of Manchester.—By the Duke of Cambridge, Lord Cleveland, Earl of Warwick, and Lord Langdale, from the Lord Mayor and others of the City of London, and from numerous other places, praying to be heard by Counsel against the Charitable Trusts Bill.—From W. R. Havens, of East Donyland Hall, in the County of Essex, Barrister, praying that the Provisions of the Insolvent Debtors Act Amendment Act, which abolish the power of Arrest for Debt under 20*l.* may be repealed.—From Castle Cary, for Alteration of Insolvent Debtors Act Amendment Act.—By Archbishop of Canterbury, Bishops of St. David's, Llandaff, Winchester, London, Exeter, and Norwich, and by Earl of Roden, and Lord Campbell, from Association of Tradesmen of London, and from Dudley and Bath, for Repeal of the Insolvent Debtors Act Amendment Act, and for the adoption of a Measure for the more easy Recovery of Small Debts.—From Jedburgh, against the present practice of granting Spirit Licenses to Toll Houses (Scotland).—From Nevern, and 3 other places, for the Establishment of Local Courts (Wales).—From Abersychon, and Carlingford, for the Better Regulation of Beer Houses, especially on the Sabbath.—From Clergy and others of Chichester, against the Sale of Beer Act.—From Chichester, against the running of Railway Trains on the Sabbath.—By Earl of Devon, from Stockport, and 5 other places, in favour of the Calico Print Works Bill.—By Lord Portman, from Landowners and others of Southampton, and numerous other places, for Protection to Agriculture.—From Nottingham, in favour of the Nottingham Inclosure Bill.—By the Earl of Clare, the Lord Chancellor and Lord Stanley, from Antrim, and 3 other places, in favour of the Increase of Grant to Maynooth College.

CALICO PRINT WORKS BILL.] Order of the Day for the House to be put into Committee read,

The Duke of *Buccleuch*, having moved that the House do now resolve itself into Committee, explained that the object of this meaeure was to extend to Calico and other Print Works the provisions of the Factories Act which was passed two years ago.

Lord *Brougham* said, he could not refrain from entering his protest against their insisting, year after year, on thus legislating in the wrong direction. Professing great concern for the working classes, they were doing all they could by their legislation to injure and oppress them, and were treating them with what he held to be mere cruelty, under the false guise and garb of humanity. He had formerly entered his protest on the Journals of the House in reference to this kind of legislation; and the objections which he had then urged appeared to him to apply with as much force to the present Bill, although its operation was restricted within narrower limits. In particular, he objected to the 22nd Section of the Bill. Could anything be more absurd than that the Legislature should say that an adult woman—say of thirty years of age—shall cease to work in printworks at nine o'clock, whether she wish it or not? Many persons said they supported such interference because they were anxious to increase the morality of the women so engaged. Why, did they think that those women who were not to be allowed to work after nine o'clock in printworks, could not find a less innocent mode of employing their time? After women were turned out at nine o'clock, he was afraid that it would not be any improvement to their morals. Why did not these dealers in humanity turn dealers in morality also, and introduce a clause rendering it compulsory to go to bed on turning out at that hour? Such an absurdity was not beyond the reach of the humanity mongers, who had lately been so much engaged in meddling in the private affairs of other people. It would not be a bit more absurd than this absurdity which they were called upon to sanction, with its notable preamble. Then with reference to the prohibiting children from working after certain hours, they must not suppose that by stopping children from working at nine o'clock at night, they would only prevent children from working. They would thereby prevent men also from working. The child's labour was as necessary for the man, as the man's labour was for the printing. There could be no relays of children to enable the men to continue working, as the order was to be peremptory that all children must stop

work at nine o'clock at night. Besides, he doubted whether it was within the province of the Legislature to find protection for children. The true protection of the child was that which Nature and Divine Providence had furnished it in the care of the parent. He objected generally to the Bill on principle; but the part which he particularly wished to amend was that which regarded females—was that which prevented females of any age, with their own full consent, with the consent of their husbands, if they had husbands—with their own full consent, which they had a right to give or to withhold, and which their Lordships had no right, with their fantastical notions of what was good for them, to compel them to withhold—with their own full consent—from working as late as they pleased, or as men were allowed to work. Why did they not push their humanity a little further, and prevent men, as well as women, from working at noxious and unhealthy trades? Why did they not interpose between the painter and his unwholesome employment—between the needle pointer and the occupation which was in his case almost sure to engender consumption? Why did they permit their jockeys to live in a manner which produced a state of complicated disease, in order that they might be of small weight, and run their Lordships' races? They were very ready to be humane in matters which concerned the manufacturer, but he wished them to be humane in their own proper persons, if humanity was to be the order of the day. He well knew that he exposed himself to the risk of being reckoned cruel, harsh, and ill-disposed to the labouring people, and, to sum up all in one word, to be called a political economist, to be which was regarded by many as the worst of all crimes, by taking this course; but he nevertheless stated what was his opinion upon the subject, and did so in real humanity to the working classes. He hoped they would be no longer haunted by measures of this kind, arising one after another, in such rapid succession—with this kind of cheap virtue—this vicarious humanity—this virtue which cost them nothing—this humanity which was exercised in the person and at the cost of others, and which seemed to him, as he had said before, to be one of the most worthless of all articles, its value being small in proportion as its cost was small, and being almost the only cheap article which had neither worth nor value about it. He would take that opportunity of giving notice, that in the next stage of the Bill, when his Amendment could be proposed, he would suggest a small alteration, an alteration so small that it left children to be exposed to the ravages of their humanity, and adults to the infliction of their kindness, with this one exception, as regarded the latter, that of permitting women—women of any age, to work as they pleased.

The Marquess of *Normanby* thought that the weight, both of argument and authority, was against the position taken by the noble and learned Lord. Was the noble and learned Lord aware that masters had petitioned on this matter, and that those very persons, in whose behalf he had been speaking, had themselves petitioned their Lordships for a limitation of the hours of work, from every place in which a calico printwork was situated? Besides, had they no experience in this matter? Had the noble and learned Lord read the Report of Mr. Tremenhere, showing the results which had followed legislation, in regard to coal mines? On the working of the Bill passed in regard to these mines, they had now an elaborate Report, and the result shown was, that, without one exception, the men and women engaged in the business of these mines, in behalf of themselves and of their children, approved of the great and beneficial change which had been effected by such legislation. His noble and learned Friend said, "Do not meddle with women." He asked what they would do with themselves after nine o'clock, if this Bill prohibited them from working after that hour. They would do in the factories, as they had already done in the collieries, return to their domestic duties, and become good mothers and good housewives; and so far from the limitation of their hours of work being a loss to them or to their families, it would, in point of economy, and from the order which would be introduced into their domestic establishments, be a gain instead of a loss. They were called on to pass another Act last year. Had they read a Report which showed the result of the eleven hour system in Mr. Gardner's factory at Preston? Not only was more work performed, but better work was done, in the shorter time, than under the old system. That was a proof of the beneficial tendency of

the limitation of the hours of labour, which the present Bill and other Bills secured. He wished to take the first opportunity of assuring their Lordships that he was grateful to the Government for undertaking the conduct of this measure.

The Earl of *Radnor* thought that there were more important and legitimate concerns with which the Government should meddle; and that it would be much better if they occupied themselves with these, than in attempting to interfere with the affairs of other people. Whenever they interfered in the way now proposed, they did so mischievously. If children, in some works, wrought for eight hours, and others were to have the limit fixed for ten, either these latter were worked too much, or the former too little. This eternal meddling was utterly unnecessary. It was said that the principle of limitation had been introduced with great advantage into Mr. Gardner's factory at Preston. If it had been introduced with advantage into any one factory, could any one doubt what result would follow? Why should the Legislature interfere, if it could be so introduced, and with manifest advantage, without interference? If the experiment worked well, would not the owners of other factories adopt the practice? In such case the Legislature need not step in and compel them to do so. As to the Report in relation to coal mines, which had been alluded to, the impression made by it upon his mind was different from that which seemed to have been left upon the mind of the noble Marquess (the Marquess of Normanby). Instead of the women availing themselves of the privilege conferred by the law, it was said that they put on men's clothes, and worked as men instead of as women. There had been great distress among these women, nor could they return to their domestic habits, because they never had any: from childhood they were brought up to work in the mines, and those who did not work as men were reduced to a state of starvation. A subscription had been set on foot by a noble Friend of his in aid of those women who had been deprived of their livelihood by the Act of the Legislature. Everybody was more competent to manage his own affairs than was the Legislature for him. These matters should be left to themselves, and he would enter his protest against their interfering with those matters which exclusively concerned other people.

Lord *Campbell* hoped that the Government would, in a future stage of the Bill, reconsider the 22nd Clause. Agreeing with his noble and learned Friend (Lord Brougham) that the Legislature should not interfere with labour any more than it should with capital, he thought, nevertheless, that they were bound to interfere for the protection of those who were incompetent to take care of themselves. His noble and learned Friend might as well have said, that they should not protect minors from contracts into which they might indiscreetly enter, as that they should not protect them against excessive labour. But, as regarded the 22nd Clause, it seemed to him unnecessary to interfere with adult labour, or with the labour of those who were *sui juris*. He approved of the Bill preventing women from working in coal mines; but the work of women in printworks was allowed to be a fit employment for females. Why, then, should they say, that a woman of forty years of age who had a large family to support, or without a large family, who wished, by working extra hours, to lay by something for her old age, should be compelled to leave the factory, the work of which was perfectly fit for her, when the clock struck nine? That seemed to him to be a wanton interference with adult labour. He hoped the noble Duke (the Duke of Buccleuch) would reconsider this before the Bill was again brought before them. He would again repeat it as his opinion, that Clause 22 was a mischievous interference with adult labour.

The Duke of *Buccleuch* said, that with regard to what had fallen from the noble and learned Lord (Lord Brougham), it was very unfortunate that he had not found fault with the preambles of some Bills which had been introduced a few years ago; for in 1833, a Factory Bill had passed that House, and that Bill had been introduced by the Government of which the noble Lord was a distinguished Member, which Bill recognised the principle that it was necessary that the labour of children should be regulated. With regard to the proposed restrictions upon the labour of women, the work which they had to undergo was not always of so light and fitting a description as the other noble and learned Lord who had spoken (Lord Campbell) seemed to suppose. They had often to stand up to their knees in wet, in washing cloths, preparatory to their being

dyed. He had heard nothing that evening which could induce him to alter his opinion upon the entire Bill, or upon the clause alluded to by the noble and learned Lord, especially when he considered the satisfactory manner in which the Act of last year had worked.

Lord *Brougham* observed, that the noble Duke was mistaken as to what he stated about the Bill of 1833, if he thought it similar to the present one in the point to which he (Lord Brougham) took exception. His objection to the present Bill was that it stated that "whereas it is expedient" as a general proposition, "to regulate the labour of women in printworks." His objection, then, was as to their attempting to regulate the labour of women, with which they had nothing to do; and he totally denied that the Bill of last year afforded any precedent for this, because the labour thereby prohibited was improper labour for women to be allowed to be employed in at all.

[It was here intimated that the Bill of last year was the Factories Bill, and not the Mines and Collieries Bill.]

House in Committee.

POST OFFICE OFFENCES ACT—AMENDMENT BILL.] Order of the Day for the Second Reading, read,

The Earl of *Radnor* said, he would endeavour to state shortly to their Lordships why he called upon them to agree to the second reading of this Bill which he now rose to move. The object of the Bill was to regulate that practice, which to the surprise of the public had become notorious last year—he alluded to the practice at the Post Office of opening letters under warrant of the Secretary of State. Whatever opinion their Lordships might entertain as to the propriety of the mode which he had suggested for the proper and due regulation of this practice, they would, he was sure, agree with him in the opinion that the matter was at present in a very unsatisfactory state. Nobody knew what the law upon the subject was. Committees of both Houses had been appointed during the last Session to examine into the matter. With respect to the law of the case, neither Committee had given much information; but the Committee of the House of Commons suggested that the matter should be left on its present footing in point of law. But nobody exactly knew what was that footing in point of law. He had heard it stated that this right of detaining and opening letters was a power vested in the Crown by virtue of its prerogative; and he had read that it had been stated in another place, that by ancient prerogative the Crown was able to detain and open letters. With respect to the Royal Prerogative, he never knew that the power to detain and open the letters of individuals formed a part of it. He had never read in any text book that it was part of the prerogative of the Crown to detain and open letters; and if he was not greatly mistaken, it was impossible that it should be so, because the prerogative of the Crown was founded on prescription; and in order to be so founded, it must go back to a period, upon prescription, beyond which "the memory of man runneth to the contrary," viz., the beginning of the reign of Richard I. Now, the very practice of carrying letters by the institution now known as the Post Office, was not introduced into this country until an infinitely later period than this. No doubt the practice complained of had been the practice since the institution of the Post Office; but that did not stamp it with the legal authority derived from prescription. It was never recognised in a court of law. Its being an undisputed practice seemed to give it the sanction of some authority; but it never was easy to dispute it, because it had always been carried on behind the backs of parties, and without the knowledge of those interested. The fact, therefore, that the right had not been disputed, or that it had never been called into question, gave but very little force to the right. He could not help remarking upon the immorality of the practice. The Legislature should be particularly guarded in making any enactments which might involve an immorality; and if it overlooked this practice, it would be guilty of overlooking a gross immorality. In the first place it was a gross betrayal of confidence. The people of this country were forbidden under a penalty to send their letters by any other conveyance than the post. The Government thus compelled the public to entrust their letters into its hands; and then assumed the right to detain these letters and to take possession of the secrets which they contained. And did the Government not commit a gross act of immorality by the mode in which it attempted to conceal its acts?

Did it not, for this purpose, forge seals—did it not falsify stamps? The fact was, that this whole matter had been discovered and made public by a foreign gentleman—Mr. Mazzini, who had very ingeniously discovered that the letters he received had their seals forged and their stamps falsified. They were referred to the responsibility of the Secretary of State. But it was, in his judgment, a perfect farce to speak of the responsibility of the Home Office in exculpation of these practices. It turned out, upon inquiry, that it had at all times since the establishment of the Post Office been the practice of Secretaries of State to detain and open letters; and it was discovered, last summer, that letter carriers too—whether following the example of their betters or not, he knew not—opened letters entrusted to them, and made use of the information which they contained, to make great sums by betting on races. And what had been done with these delinquents? They had been merely dismissed from their situations; and though, by the Post Office Act, they had been guilty of a misdemeanor, they had never been brought to trial, but were merely dismissed. It was impossible to say that the power existed by prescription, or was part of the prerogative of the Crown. The question then was, whether the Post Office Acts conferred the power claimed. The principal Acts were those of the 9th Anne, and of the 1st of her present Majesty; and the words of both were pretty much the same. [The noble Lord then read the clause of both Acts, prohibiting all persons, under a penalty, from detaining and opening letters passing through the Post Office, except authorized so to do by warrant from the Lord Lieutenant in Ireland, or from one of Her Majesty's principal Secretaries of State in England.] It was inferred that these Acts gave the right to the Lord Lieutenant in Ireland, and to the Secretary of State in England, to issue warrants for detaining and opening letters. He thought, however, that every one conversant with these Acts would see that they gave no such right whatever. He admitted that it seemed to assume that such a power existed in the Secretary of State and the Lord Lieutenant of Ireland, and indemnified the clerks at the Post Office and the Postmaster General from any consequences, if they obeyed the warrants of the Secretary of State or the Lord Lieutenant. But that was a very different thing from giving the authority claimed to the Secretary of State: and if he derived his authority from no other source, he (Lord Radnor) apprehended that he had no authority whatever; and if by any means the question was brought into a court of law, the court would assuredly say that there was no authority to issue such warrants. There was a case which must be familiar to many noble Lords who acted as magistrates — he meant the provision under the Act of George II., for indemnifying constables for arresting persons under an illegal warrant, under certain circumstances, and throwing the responsibility upon the magistrate by whom the warrant was issued. He had some experience of that enactment; for an action was pending against him for having, in conjunction with another magistrate, issued a warrant, which it was contended was illegal. That case was exactly analogous to those which the words of this Act contemplated. It indemnified the party acting under the warrant, but conferred no power to issue the warrant. The noble Earl then read passages from the Reports of the Committees of that and the other House of Parliament, which he said were drawn up in a see-saw and contradictory manner; and contended that those Reports assigned no sufficient ground for the continuance of the power in question, and left it quite vague and uncertain whether it conduced to any useful end or not. The Report of the Lords' Committee, indeed, said that the power might be more useful in case of war than in the present time of peace; but that, he submitted, was a very bad reason for retaining it in time of peace, as there could be no difficulty, on a prospect of war arising, in passing an Act to revive the power. The Report gave in lists of the warrants issued for opening letters within two periods, the one extending from 1712 to 1798, and the other comprising the subsequent interval down to 1844. In the former period of 87 years only 101 warrants were issued; but in the latter 44 years the number was 372, the proportion being 1¼ per annum in the one case, but having increased to 8 per annum in the other; it was true that the other was stated to be imperfect, and only to extend so far as an account could be made up. Only two of these, it appeared, related to matters of treason or sedition, and all the

others were criminal warrants. That reduced the number of warrants connected with treason or sedition to 2 per annum in the 45 years, as stated in the Lords' Report. Whether it was necessary for the safety of the country or not to retain such a power, when it was exercised in two cases in the twelve months, it was for their Lordships to decide. He had thought, in the first instance, that it would be better to abolish the power altogether; but on subsequent consideration, and conversation with others, it appeared to be more expedient to regulate the mode of exercising it. That was the object of the Bill of which he now moved the second reading; and if their Lordships agreed with him in the principle of the measure, it would be in their power to make whatever alterations they thought necessary in Committee. The noble Earl moved that the Bill be now read a second time.

Lord *Stanley* said, it was with great regret he felt himself compelled by a sense of public duty, on the part of the Government, to give a decided opposition to the second reading of the Bill proposed by the noble Earl. He felt all the advantage which the noble Earl derived from appealing, in a matter of this kind, to the high and honourable feeling of those who, like their Lordships, would shrink from sanctioning in public life that which they would deem dishonourable in private; but he must say that he should have felt his own task more difficult, and should have considered the noble Earl's appeal to their Lordships' personal honour better founded, if he had followed up the argument with which he set out; and, on the ground of the immorality and the dishonourable nature of the practice which he condemned, and after satisfying them that there was no State necessity which could justify the exercise of this power under any circumstances, had proceeded, not to modify or regulate, but to abolish altogether a power which, according to the noble Earl's view, ought not to be sanctioned in public any more than in private life. And he was fortified in his resistance to this Bill by the declaration of the noble Earl, that, instead of adhering to his first impression, and following out his principles by the clear and intelligible course of proposing the abolition of the practice, subsequent reflection and conversation with others had satisfied him that State necessity, the safety of the realm, and the due administration of justice, demanded that, however dishonourable the practice in private life might be considered, it should yet be retained as a State engine; and that it was rather for the good of the realm that the Secretary of State should be subjected to the odium and obloquy which might be cast upon him for exercising the power, than the State should be deprived of a powerful instrument for attaining the ends of justice, and maintaining the interests, and preserving the security and peace of the country. If the two alternatives now proposed were the only alternatives—the alternative of accepting this Bill, by which the practice was to be retained and regulated in the manner in which the noble Earl undertook to do, or of abolishing it altogether, he should not hesitate for an instant; but should say—"In the name of everything that is just, as well as everything that is wise and prudent, abolish the practice if you will—renounce, repudiate the immorality of the practice; but do not retain the immorality and the odium attaching to the exercise of the power, and yet introduce such provisions as, while you continue all that is odious and objectionable in principle, shall render the power altogether unavailable in practice." That, perhaps, was not what the noble Earl proposed; but that was what the Bill would do, if their Lordships sanctioned this measure. The noble Earl proposed two objects. He proposed, in the first place, to define the law, and prescribe the conditions under which the Secretary of State should issue his warrant for opening letters; and, as the second object, he proposed such alterations in the law imposed as restrictions upon the exercise of the power. But when the noble Earl attempted to define the law, it would be found upon perusal of his Bill that he left it quite as undefined and uncertain as he found it; and when he proceeded to place restrictions upon the practice, the restrictions were of such a nature as to render it wholly useless. Fortunately, they could now approach the consideration of this question free from any political or party feelings. On former occasions, it might have been a question whether this or that Government had strained the law, or whether the powers which they possessed had been properly exercised, or had been stretched to an exorbitant extent; but no such question was raised at present. Their Lordships had now to consider, not whether there ought to be vested in the Secretaries of State a power of opening letters—for it

was admitted by the noble Earl that State necessity required that such a power must exist under certain circumstances — but their Lordships were called upon to decide in what way, and by what practicable mode, they should regulate the discretion of the Secretary of State in doing so. He was not about to enter upon the discussion; indeed, he should feel himself incompetent, in the presence of so many noble and learned Lords, to discuss the origin of that power vested in the Secretary of State. He did not say that this power was a portion of the prerogative; but this he would say, that the Act of Anne was not the Act which gave the Secretary of State this power, or any power at all. That was a restraining Statute, which, for the first time, imposed a penalty upon an act which previously, whether done by order of the Secretary of State, or in any other way, was liable to no penalty whatever: it made it a misdemeanor to open or detain a letter passing through the Post Office, except under a warrant of the Secretary of State. Previous to that Act, no criminal proceeding could be taken against a person, whether connected with the Post Office or the Government, or not, for detaining or opening a letter which came into his hands in that way. The noble Earl had stated—but, at the same time, he thought somewhat in the see-saw manner with which he charged the Reports of the Committee—that this practice of the Secretary of State had increased of late years; but he went to contradict the certainty of that statement by saying he inferred so from the fact, which he frankly owned, that formerly no records had been kept of the number of letters that had been opened in this way, and that subsequently a very inaccurate record had been kept of them. That statement rested entirely upon the supposition of the noble Earl himself. And now as to the definition of the law by this Bill. He had read, and very attentively considered, the second section of this Bill. If there was one point upon which he should expect that the noble Earl, professing to define the law and to regulate the conditions under which the Secretary of State should issue his warrant, would be clear and explicit, he should have thought he would have provided expressly whether there should be a general warrant for opening all the letters of an individual — directed to one party — or whether there should be a special warrant in the case of each particular letter. And yet he found no such provision in the Bill upon so important and doubtful a question. On a former occasion there was an opinion expressed by a noble and learned Lord in that House (Lord Campbell) that general warrants were illegal, and that a special warrant was necessary for opening every letter. That opinion was ably controverted by his noble and learned Friend on the Woolsack, and his noble and learned Friend (Lord Brougham) who sat near him. It was also ably, and in his mind conclusively, controverted by the Lord Chief Justice (Lord Denman), although he regretted that subsequent consideration led that noble and learned Lord to qualify that opinion. But the value of the noble and learned Lord's first declaration was, in his estimation, that the definition of the law then given by him, rested not upon any technical construction of the words of the Act of Parliament, but was pronounced in opposition to the opinion of the noble and learned Lord at the Table (Lord Campbell), upon the *rationale* of the thing, the common sense, the necessity of the case, and the practical absurdity involved in the contrary interpretation of the law. And, although the noble and learned Lord, as he had said, subsequently qualified his opinion, he trusted their Lordships would permit him to read his words. He said—

"As to the construction to be put upon the provision cited, he was of opinion that the construction stated by his noble and learned Friend who spoke last (that was the noble and learned Lord on the Woolsack) was the right one; for he could not see how the Post Office authorities, when directed by the Secretary of State to detect the treasonable correspondence of A. B. could do so, unless they opened all his letters. It was obviously quite impossible for him, as his hon. and learned Friend said, to know which particular letter of A. B.'s perhaps multitudinous correspondence occurring next Monday contained the objectionable matter unless they opened all of them."*

That was a most useful and valuable opinion on the part of so high an authority, and which nothing that had since passed had altered in his (Lord Stanley's) mind. If it was necessary to retain this power—and *e confesso* it was necessary, for the Bill of the noble Earl did not propose to abolish it—the noble and learned Lord admitted that if the power was to be retained, and the Secretary of State was to exercise it, to issue separate warrants would be impracticable, and general warrants, directed to

* Hansard (Third Series), lxxv. p. 980.

one individual, were necessary for the exercise of the power, and consequently, as he (Lord Stanley) submitted, incidental to the power itself. The mode in which the noble and learned Chief Justice qualified his former statement was, in his (Lord Stanley's) judgment, a corroboration of his previous opinion, and an additional argument in favour of the necessity of adhering to that doctrine; for what did the noble and learned Lord say? It had been shown to demonstration that special warrants would be utterly impracticable in these days, whatever might have been the case in former times, when letters were counted by scores instead of millions, and were carried to their destination in weeks, not hours—when it was really an event in a man's life when he was going to write a letter, and a greater still when he was going to send to London—when his servant was called upon to prepare for a long and dangerous journey from the north to the south—when the letter was sewed up in the flaps of the saddle—and when the messenger, God willing, got from York to London in fourteen days. Then it might have been practicable to send up word to the Secretary of State, that, on a certain day in a certain week, there would arrive a letter which had been sent off the morning before, or was to be sent the morning after, from York; that it would be carried by a servant wearing a particular livery, riding a horse of a certain colour, and caparisoned in a particular manner; nothing could be so easy then as to stop the horse, open the flap of the saddle, and take out the letter. But he contended that however a special warrant might be available at the time and under the circumstances which he had described, when the circumstances were altogether changed, the argument would no longer apply, and the less so considering the immense number of letters and rapidity with which they were conveyed in the present day. The Lord Chief Justice, however, said, "Yes; but circumstances might occur by which such information could be gained." Now, he prayed their Lordships to look at the difficulty into which the noble and learned Lord, with his well-known love of liberty, was driven, to prove that a special warrant might be made available. He said, "Under a system of espionage a spy could write to the Secretary of State, that such a particular letter might be expected to reach Portsmouth on a particular day and in a particular hand." Under a system of espionage! Mark the words. Having admitted the necessity that the power should exist, and that special warrants were impracticable, on consideration the noble and learned Lord discovered that there was a mode in which they might be made available. Surround persons with spies, and under a system of espionage practical objects might be accomplished. Were their Lordships prepared to sanction this principle? Would they permit the opening of the correspondence of persons whose letters the Secretary of State, acting upon his responsibility, was convinced contained dangerous matter; or would they, in order to avoid general warrants, revert to a system which was exploded in this country, that of employing spies to worm out the secrets of those whom they wished to entrap, and to enable those spies, with a previous knowledge that a letter would be written—and it was not uncharitable to suppose with a determination that a letter should be written on a certain day—to give information to the Secretary of State for the most mercenary purposes? That was the alternative offered by the noble and learned Chief Justice. Now, this question of special or general warrants was one which, in a Bill professing to define the power, he should have expected to find occupying a prominent place; and yet, from the beginning to the end of the noble Earl's Bill, he was unable to discover whether it was his intention that a special or general warrant should be required to be issued by the Secretary of State. Look at the 2nd Clause of the Bill. And here he must say, he did not assent to the noble Earl's doctrine, that if their Lordships were of opinion that that practice should be regulated, although they disapproved of the mode in which that was attempted to be done in the Bill, still they should sanction the Bill and alter every word of it in the Committee. The question was, whether it was practicable to preserve the power in principle, and to provide by Statute against its abuse in practice. If that was the proposition, and if their Lordships found it impracticable, he protested against the doctrine, that their Lordships should sanction the principle of a Bill, every word of which they were to reject in Committee. With all possible respect for the noble Earl, he should be glad to be informed what was the meaning of the clause which professed to define the power of the Secretary of State to open letters. It said:—

"In case credible information should be

given to any of Her Majesty's Secretaries of State, that the safety of Her Majesty's person or Government, or the peace and security of the Realm, require that any letters in the Post Office should be detained or opened, it shall be lawful for such Secretary of State to issue his warrant to the Postmaster General, requiring him to detain and open such letters."

He was at a loss to know what the noble Earl meant by this provision; and, observe, this was the provision which was to make the law certain, clear, and definite. Who was to judge of the credibility of the information? Undoubtedly the Secretary of State. But the information was not to be information of any facts. It was to be information that it was necessary for the safety of Her Majesty's person or Government, or the peace and security of the realm, that certain letters should be opened. If it were said that there should be information of certain facts, which, if true, would render it necessary in the judgment of the Secretary of State to open letters, that would be an intelligible proposition; but the Bill left the whole judgment as to the credibility of the information and the exigency of the case where it was—with the Secretary of State. [The Earl of *Radnor*: That can be altered in Committee.] He could not agree in the doctrine, that the safety of Her Majesty's person or Government, or the peace and security of the realm, were the only circumstances which rendered it necessary or expedient that this power should be exercised. The noble Earl altogether excluded the great majority of the cases in which this power was applied, namely, for the detection and punishment of crime, which was not unimportant to the welfare of the country, although not connected with the safety of Her Majesty's person or Government. If a knowledge of the concealment of a murderer for whose apprehension a warrant was out, the discovery of the course taken by a forger, or the haunts of a notorious offender, who had escaped from the hands of justice, were to be obtained, the power now exercised by the Secretary of State of opening the correspondence with persons with whom the criminal was known to be in constant communication — perhaps the accomplice of his crime—might enable the administrators of the law to discover the criminal; and yet the noble Earl omitted these cases, which were four-fifths or three-fourths of the whole number in which warrants were issued by the Secretary of State. Again, what did the noble Earl mean by the peace and security of the realm? Did he mean internal peace, or did he refer to the danger of our being involved in war by the machinations of those who, abusing the facilities which they enjoyed in this country, engaged in designs and practices which might expose us to the risk of hostilities and war with foreign countries. A great deal had been said of the rights of hospitality, and God forbid it should be infringed! but while this country was a place of refuge to all political offenders, while it was an asylum for all those who were banished from their own countries for political offences, while we had no Alien Act, and while no man, however dangerous, could be sent out of the country, it was reasonable that we should not afford to such persons, by means of the Post Office, a free, safe, and easy mode of disturbing, with perfect impunity, the peace and tranquillity of countries with which we are in alliance, and thus involving us in the danger of foreign war. He said that if this power was to be given, the law ought to be defined in the first instance; but the Act did not define it, but left it uncertain; and he should now proceed to show clearly, and he hoped incontrovertibly, that when the noble Earl undertook to regulate the power, and where his provisions were intelligible, they frustrated the whole efficacy of the power. The Secretary of State was directed to proceed only upon information in writing. Now, he could conceive cases in which information might be conveyed to the Secretary of State in a mode which did not require to be reduced to the shape of a formal information—[The Earl of *Radnor* was understood to say, that it was not required that the information should be in writing.] He repeated that it must be in writing, and subscribed with the name of the informant. He must suppose that the noble Earl had not read his own Bill, since he fell into such an error. Not only must the information be in writing, but it must, as he had signified, be signed with the name of the informer; and if, within a given time, no steps were taken upon the information so given, the name was to be handed over to the person referred to in such information, in order to enable him to institute any action against the informer. The noble Earl seemed to have so completely forgotten the whole scope of the Bill, that he was not aware the information must be in writing. There might be

cases in which it would be extremely difficult to give such a description as the noble Earl's Bill would require of a letter and its contents; and in which it might be absolutely necessary that the Secretary of State should issue his warrant directing such a letter to be opened. Their Lordships had, without doubt, not forgotten the state of the northern and manufacturing districts of this country in the year 1842. At that time there existed a most extensive organization for the purpose of producing a simultaneous movement, the object of which was to effect a display of the physical force of the country at one hundred different parts of the kingdom together, in such a manner, and at once so formidable and dangerous, that no concentration of the military and police force could be rendered effectual to prevent that display, or resist that simultaneous movement, the object of which was to compel, at one and the same time, to abstain from all labour, and thus at once to throw the country into confusion. There could exist no doubt in the mind of any rational person that, whereas Parliament had been prorogued before that state of things had occurred, a serious responsibility was imposed upon the Government, and that they would have neglected their duty if they had refused to avail themselves of the powers which they possessed of opening the letters directed to those at the head of that conspiracy, in order to ascertain and detect their plans, and thus disappoint their expectations by preventing the fulfilment of the evil design which they contemplated, and had resolved to carry into effect. There was no doubt that the Government had a right to take such means as enabled them to bring to bear the military and police force, and to concentrate their power on the very spot where their protection was most required, instead of distributing them over a hundred different points where their presence was unnecessary. That was the course which the Government were justified in adopting; and it was evident that information which enabled them to do so was of the greatest importance for the safety of the State; and really, when this was considered, he could not agree to the proposition contained in the Bill of the noble Earl, namely, that when any man who might have been forced, or induced, rather, against his will, to join such a conspiracy—who had become afterwards alarmed at the length to which he went, and being desirous to make amends for his incipient treason by counteracting the plans of those engaged in it—he could not, he should say, agree in the proposition that a man desirous of making amends for his incipient treason by preserving the peace and tranquillity of the country, should be required by the Secretary of State, perhaps at the peril of his life, to sign those informations with his name. He (Lord Stanley) had no great respect—he never had entertained any great respect for anonymous communications, and he was, therefore, the more strongly opposed to this provision of the Bill, which, if carried into effect, would be calculated to drive those who were willing to give such information as that to the medium of anonymous communication; and whereas the Secretary of State had many opportunities of judging of the probable value of information under the present system, he would be necessarily obliged to dispense with them in the case of information conveyed solely through anonymous communications. There might be circumstances in which anonymous communications would be attended by circumstances calculated to give them additional weight; such, for example, as coming from four different parties on the same day, and containing the same story or information, which perfectly tallied. In that case, where the information was supported by such circumstances, would the noble Earl say that the Secretary of State ought to have any hesitation as to taking steps with reference to it? If he, as Secretary of State, used the powers which he possessed under such circumstances, in order to secure the peace of the realm, he would not only be justified in doing so, but he would not be justified to his country if he did not act upon it. It so happened that the Department with which he was more immediately connected was one under the supervision of which no such letters came, as no necessity existed for the use of those powers of detaining or opening letters under the superintendence of that Department; but he was speaking of the necessity for using those powers when their use and application might protect the peace and security of the country. He was describing the necessity which the Secretary of State might be placed under to use those powers which the noble Earl had described as so odious and deserving of such obloquy; and yet, it appeared to him, that while the noble Earl retained the whole odium and inconvenience of the present system, he rendered the power to be vested in the

Secretary of State utterly inefficient. Then the noble Earl proposed that the Secretary of State, having detained and opened the letter in the presence of another person, should, within fourteen days, send a copy of it, and an account of what had been done, to the party to whom it was addressed. Why should it be sent within fourteen days? Within fourteen days, or within fourteen hours, a person who was conscious of guilt, and who knew that he had committed evidence of that guilt, in the shape of a letter through the Post Office, would become anxious to ascertain what had become of the letter, and at the end of fourteen days it would be too late to send any such notice. But suppose a person sent information to the Secretary of State that a movement was about to take place, and that a day was fixed about three weeks distant, and the localities were assigned, but that the party stated that he could not perfect his information until a period of time longer than fourteen days had elapsed, would the noble Earl, under these circumstances, send back an account of the information which he had received to an individual who was engaged in the conspiracy, and one of whose letters, forwarding the designs of that conspiracy, the Secretary of State might have directed to have been detained in consequence of the information which he had received? With respect to sending the information that a letter had been opened, he could state a case which would show how completely that course would counteract the effect of the information. During the war between this country and France, it was discovered that a subject of France residing in this country was in the habit of sending to France information of the intended sailing of merchant vessels from English ports. In one of these cases a letter from him was opened containing an account of the intended sailing of a large fleet of English merchant vessels. It was re-sealed and sent to its destination, and a fleet of French vessels was sent out to intercept the English merchantmen which sailed, but did not sail unaccompanied, for they were accompanied by a strong convoy of English ships of war. The result was that the tables were turned. The French fleet, to use a vulgar phrase, "caught a Tartar," and they were defeated and captured by the English ships. The last provision in the Bill of the noble Earl, or the last provision which he would allude to—indeed, it was almost the only other provision in the Bill —was that any person whose letters were opened, or to whom the letters were addressed, could, in six months after the letter or letters had been so opened, proceed by an action at law—could take legal proceedings against the person who gave such information (a most effectual way, by the by, to prevent any information being obtained) to the Secretary of State or the Lord Lieutenant, as the case might be, and that the Secretary of State or the Lord Lieutenant should furnish the plaintiff with the original information, or a certified copy of it, to be used as evidence against the person who furnished it. Was it possible, he would ask, to invent a better mode of preventing all the advantage which would result to the public from such information, than by making the Secretary of State the informant to furnish evidence against the man who conveyed intelligence, for the purpose of preserving the peace and tranquillity of the country? Could they adopt a course better calculated to prevent persons from giving such information, than by saying that the person furnishing it should sign his name to it, and that the Secretary of State should be obliged to furnish his name and a copy of the information which he gave as evidence against him, if the person writing or receiving the letter should afterwards think proper to commence an action at law? That might be deemed by the noble Earl to be sound wisdom and sound morality—it might be deemed to be political wisdom; but its morality was only equalled by its political prudence. But now, what was really the case with respect to the carrying on of such an action at law, and the wisdom of so furnishing the person's name? It was possible that a man giving information might be correct to a tittle in the day on which the letter was to be despatched, and on every other particular, and yet the proper authority in the Post Office might make a mistake, and might, in consequence of that mistake, open the wrong letter, and allow the right one, the letter to which the information referred, to pass through the Post Office. In this case the guilty person would escape by the letter being forwarded without being opened, and the person who was so guilty might take an action against the man who gave that true information to the Secretary of State, because one of the authorities at the Post Office had made a very natural mistake, and opened the wrong letter. In nine cases out of ten they might open the wrong letter. [Lord

Denman: Hear, hear.] He was glad to hear the noble and learned Lord cheer that statement; for it showed that if there was any advantage to be gained from opening a letter, it could only be derived from the issuing of a warrant to open, not one, but all the letters directed to a certain person in whose correspondence it was suspected that there was contained matter which was dangerous to the peace of the country. He would give their Lordships a striking instance of the necessity for such a warrant by reminding them of an occurrence which had taken place some years ago, namely, the absurd and criminal enterprise of Prince Louis Napoleon Bonaparte, in the rash and mad invasion of France which he planned. He would not ask if the Government of that day had received any intelligence of the designs of Prince Louis Bonaparte; he believed that they had not received any such information. He would not ask whether or not Prince Louis Bonaparte's letters had been opened by the authority of any warrant from the Secretary of State; but he would suppose that the Secretary of State had received an intimation of those designs—had received information that a particular letter would be sent to the Post Office, and that, in consequence of such information, he issued a warrant authorizing the Postmaster to open a particular letter, directed to Prince Lonis Bonaparte. The Postmaster might in such a case open the wrong letter. He might open a letter containing an invitation to dinner, or a tailor's bill, or some other matter equally unimportant;—this harmless epistle would be returned to the party endorsed "opened by order of the Secretary of State, but no further proceedings will be taken thereon;" whilst the letter to which the information referred, the letter written in pursuance of a design to carry on that mad and rash attempt, would be allowed to pass, in consequence of the wrong letter having been opened, and thus the person who wished to preserve the peace of this country, and who had endeavoured to save a friendly Power from the effects of such an absurd and criminal expedition, was to be exposed to a prosecution in consequence of this mistake in the Post Office, if the provisions of the noble Earl's Bill were carried into effect. Because the Postmaster opened atailor's bill, or an intimation to dinner, instead of a letter referring to the intended expedition, the person giving the information was to be subjected to an action according to that Bill; and a copy of his information, with his name, furnished by the Secretary of State. There was another provision in the Bill to which he would refer, that a return of all the warrants, and the circumstances connected with them, should be laid on the Table of the House within twenty-one days after the meeting of Parliament; and, with respect to that, he did not feel called upon on that occasion to make any observations, but he would remind their Lordships that the Bill did not define the law as affecting this subject; that it left the law obscure and uncertain, whilst it proposed a certain remedy, which remedy would only have the effect of nullifying and rendering invalid the powers which it proposed to continue; thus continuing a practice which they looked upon as most odious, whilst they did not retain the advantages it was calculated to confer. Under these circumstances, he (Lord Stanley) did not think he was going too far when he asked their Lordships, in the name of common sense, not to agree to the second reading of such a Bill. The noble Earl said that there was, under the present system, no responsibility attached to the Secretary of State; but he (Lord Stanley) was of opinion that the proceedings of the last Session of Parliament with respect to the Post Office, completely negatived that assumption. Committees were appointed by both Houses of Parliament to inquire into the circumstances connected with the issuing of warrants for opening letters, and they were composed principally of individuals who were not the political friends or partisans of the Government to which the Secretary of State belonged who was charged with issuing warrants to open letters in the particular cases that were more immediately referred to. The Committees investigated all the circumstances connected with every warrant issued by every living Secretary of State, and they came to the conclusion, which they stated in their Reports, that in no instance had any such warrant been issued for any private object, or used in any manner which would justify any fear for the general security and inviolability of correspondence in this country—that in fact those warrants had always been issued for the general welfare of the State, and the peace and security of the realm. The power had been used by every successive Secretary of State for years, and the Reports of the Committee altogether negatived the idea that there had been any abuse of the power to issue these warrants

on the part of the Secretary of State. The noble Earl, in introducing the second reading of this Bill, had laid great stress on the small number of warrants which had been issued, and appeared desirous to diminish still further the instances of the exercise of that power, which he did not, however, propose to abolish; but he (Lord Stanley) could not agree with him in the views which he took of the subject, and, as regarded the safety of letters and general inviolability of innocent correspondence, the Reports of the Committee completely refuted any such charge. There had been, in fact, but an average issue for many years of eight warrants annually, while the correspondence passing through the Post Office averaged 200,000,000 letters annually. The power to issue such warrants had always been used by the Secretary of State for the security of the realm—it was, he did not deny, an extreme power, which ought to be cautiously exercised, and only in extreme cases where the public exigencies required it; but being as it was an extreme power, if they were to retain it, if they were satisfied that it ought not to be abolished, what other security could they have for its safe and proper exercise than the high and honourable character of public men of all parties, seconded by the knowledge that it had not been used for any private purpose, or with any view other than maintaining the security of the State? That being the case, and if they were satisfied that, for public purposes, it ought not to be abolished, he trusted their Lordships would not consent to retain it accompanied by such restrictions as the Bill of the noble Lord contained—restrictions which would render the power of issuing such warrants altogether null and void. He would, therefore, move that the Bill be read a second time that day six months.

Lord *Denman* was of opinion, that any jocularity was misplaced in discussing a question which was of the gravest character and the greatest importance to the country. The character of the country, of that House, and of their Lordships as individuals, required they should give a calm and deliberate investigation to the principles of the Bill, and that they should not, like the noble Lord who had just sat down, apply themselves to the mere technicalities of the measure. Their Lordships had to consider the grave question, whether it was really to be permitted, that in England all letters should be subjected to the authority of a Minister of the Crown—whether the private correspondence of every man in the country should be placed wholly at the discretion of the Secretary of State. They were to consider whether, because forsooth only eight warrants had been issued in a year, you would retain a State engine by which the Secretary of State was enabled to have the whole correspondence of the country in his power, and to ascertain the contents of those letters which had been confided to the honour and the sense of public duty of the authorities of the Post Office. He thought it rather misplaced, therefore, to apply solely to the technicalities of a Bill, the principle of which affected the rights of the whole people of England. If the Committees which had investigated the circumstances connected with the issuing of warrants had formed any opinion with respect to the law of the subject, they had not stated that opinion—if they had perceived any difficulty in understanding the law which regulated the issuing of such warrants, they left that difficulty as they found it. He did not wish on that occasion to remark upon the Reports of those Committees, which, in different parts of them, showed that one Member entertained one sentiment, and another Member entertained another sentiment, or upon those sentences in the Reports which appeared to indicate differences of opinion amongst different Members of the Committee. The Committees, if they thought it their duty to define what the law was, had not done so, nor had they recommended any course to be adopted with respect to any difficulty in defining the law. He had the greatest respect for the individuals who composed those Committees; he had the honour of numbering some of them amongst his Friends; and he felt bound to say that they might have abstained from an opinion on the law affecting this power, from a persuasion that the immense importance of the subject would force its way to the attention of Parliament, and that it would be discussed as it ought to be, and as it might be at the present period, in a tone perfectly free, as it ought to be, from all party spirit. He hoped that, although the prerogative of the Crown had been brought forward in reference to this subject in the other House of Parliament, no one in that House thought there was the slightest ground for supposing that the Crown had any prerogative whatsoever

which could authorize the opening of the letters of any individual in this country. Such an idea was altogether unsupported by legal proof, and had not the slightest foundation. The whole law of this country, with reference to this question, was contained in the Statutes relating to the Post Office. In the first place, the Crown granted a monopoly to certain individuals in carrying letters: the first Parliamentary recognition of it was by an ordinance of Cromwell in 1657; and the Post Office itself was established by Act of Parliament in the twelfth year of Charles II. These Acts, however, took no notice of the great duty which attached to the Postmaster in respect of the monopoly so created in his favour; for they merely required that no person should send letters by other hands, and did not make it the duty of that officer to deliver the letters entrusted to his charge. That was a rational and consistent obligation, however, and one which was most binding; and every one who placed a letter in the hands of any individual so authorized by the Crown, felt that he imposed a duty of a most solemn nature to deliver it. It was not, however, until the Act of Anne, that a provision was made on that subject; and the 42nd of Anne, c. 9, stated that whereas it was dangerous to the interests of the trade and commerce of the country that the letters of individuals should be delayed or opened in the Post Office, it was enacted that from and after that date any person opening or delaying such letters should be subject to a penalty of 20*l.*, and disqualified from holding a situation in the Post Office in future. Those provisions were followed up by the Statutes of the Georges, by the Act of the late King, and the Act of Her present Majesty's reign; and these were the modes by which the efficient discharge of the duties appertaining to the Post Office were enforced: in the first place, any misconduct or negligence in delivering letters was rendered subject to a penalty on summary conviction; and in the second place, there was a more serious penalty inflicted upon any person stealing or embezzling a letter, such person being declared guilty of felony; and if there were money, or a security for money, in the letter so stolen or embezzled, the person offending was rendered liable to transportation for life. The words of the Act were very clear, and declared that stealing or embezzling a letter was a felony subjecting the person to seven years' transportation, and to transportation for life if the letter contained a draft or security for money. The Secretary of State's warrant did not apply to that case, or to negligence in delivering letters; but applied only to the case of letters detained, delayed, or opened by the Postmaster under the authority of such a warrant; and the Act stated that the provisions did not extend to the opening, delay, or detaining of letters returned for want of sufficient description; or opened, detained, or delayed under the authority of an express warrant in writing under the hand of the Secretary of State. The object of that was to relieve the Post Office authorities from the punishment of misdemeanor by fine and imprisonment in case of the detention of a letter. Suppose there was an action against a Secretary of State for detaining a letter, to that action the Act of Parliament would not apply; it would only apply to the person who was authorized by the warrant to open letters. Was that a state of things in which the law was so well defined, that they ought not to consider if it might be altered with advantage? An action would undoubtedly lie, as a person might suffer very great injury by the detention of his correspondence, and holding back information which was necessary to him; and if he brought an action against the Secretary of State or the Postmaster, he was not aware of anything to protect him, unless the inference which might be drawn from that Act of Parliament. He (Lord Denman) did not mean on that occasion to express himself in such a manner as would bind him to an opinion if the case came to be argued; and he must say that it was with great surprise he heard the noble Lord opposite refer to his opinions of last year in that House, as if when the matter came accidentally before them, and he threw out an opinion upon it, such an opinion was to be looked on as the deliberate opinion of the Lord Chief Justice. His noble and learned Friend (Lord Campbell) doubted whether every particular letter must not be described. He (Lord Denman) disagreed with him at the time, and he did so still. He could not think it possible. It was quite absurd to suppose that every particular letter should be pointed out. But upon another occasion, when his noble and learned

Friend pushed that argument to an extent which he did not think it bore, he (Lord Denman) said, that the very nature of the power of opening letters supposed a system of espionage; and he did not know how, if secret information were given, a particular description of a letter was to lead the Secretary of State to ascertain the one referred to. But was he to be held up as a patron of a system of espionage, because he said that under an Act of Parliament, which he condemned, which he thought inconsistent with the liberty of the subject, and which the noble Lord called an engine of State policy—a word that might be made to cover everything that was odious—was he, he said, to be held up as a patron of a system of espionage, because he stated that under that Act he did not see how the power could be restricted to any particular letter? He said that neither he nor his noble and learned Friend was bound to find out the means of giving facility to that odious power; but if there were no means of finding out particular letters, that was no reason why they should extend the power. He objected to the noble Lord quoting a particular passage from his speech in a former Session, in a debate which the noble Lord had not heard, for he could not suppose a more unfair way of dealing with any man in any situation, than by taking two small portions of his speech on a former occasion, and applying them as the noble Lord did, as if they went to support a system which of all other men he most strongly detested and renounced. Was it right that such a state of things as he had described should remain unaltered, that such serious doubts should be permitted to hang about the question? They ought to recollect that the practice could not legalise itself; a fact which had been shown in the case of general warrants, which had been in operation for a century, but which, when they were brought into the air of discussion, were at once abandoned; on which occasion Lord Camden remarked, that opening of private letters was odious and hurtful to the feelings of mankind, and should be always condemned. Suppose the Secretary of State, under the existing practice, issued a warrant to a postmaster to examine an individual's correspondence, could that warrant apply to one letter, or would it apply to all the letters directed to that individual? Was it a general warrant, or would it refer to all letters, or to some particular letters? The word "express" before "warrant," in the Act of Parliament, would appear to limit the warrant; but, according to the argument of last year, it was urged that the warrant might apply to all letters directed to an individual, as that, otherwise, it would be impossible to describe a letter with sufficient accuracy to prevent mistakes. He did not mean to say that such a thing was very probable; but it was necessary to be considered, if the law and practice were to come into a court of justice; and he thought their Lordships would be in a much better position if all these matters were considered beforehand. They were then in a state to consider what was best to be done, and it was better to do so than to leave it doubtful, and to be questioned hereafter by a court of justice or by a jury, who would no doubt be regulated by their feelings of what the liberty of the subject required. On the other hand, if the power were confined to a single letter described in the warrant, there would be no use in it. That was a state of things, then, in which it was quite rational and proper for Parliament to consider what was best to be done. It appeared to him that the Secretary of State was expected to act as an honourable man, to lay down certain rules for his conduct with regard to opening letters, and the unbounded nature of this power would impose upon him the necessity of that duty; but he wanted to know why Parliament should be afraid of imposing these restrictions on him? He understood that the right hon. Gentleman the Prime Minister stated, in the other House, that he had no objection to the regulation of that power; that the right hon. Gentleman the Secretary of State for the Home Department spoke of the power as most odious and hateful, and which he would be most happy to get rid of, and that he was willing to agree to any regulations on the subject. Now, what was the use of a Secretary of State making regulations, of which he was to be the judge whether they were broken or not? Why should it not be done by Parliament if it were fit to be done at all? The great object of his noble Friend's Bill was to enact, that if the power were proper under certain circumstances, it was proper under those circumstances only. He could understand that, in such times as those of Charles II., the merry Monarch and his courtiers might find it very entertaining to

open letters, and he could well believe that even in the present time there might by possibility be some persons to whom suspected letters were addressed who might find themselves betrayed in a very awkward manner to those from whom they might wish certain things to be kept. It was not desirable to have such communications exposed, and it might so happen that it would be particularly disagreeable to have their contents betrayed to the eyes of the very individual who might be Secretary of State. "But," said the noble Lord, "was there no responsibility?" Could that be asserted after what took place in the last Session? He would ask their Lordships, did they wish to hear such things again—to hear such debates, in order to show that a Secretary of State was not irresponsible? On the contrary, was it not a calamity that such a subject was brought forward, and that such a proceeding should have arisen from the mere accident, as it was described by his noble Friend, of Mr. Mazzini detecting some bad language in that which was made to supply what was effaced by tearing off the seal? He fully acquitted all living Secretaries of State, whether in or out of office, of all misconduct in reference to their proceedings in this respect; he had not the slightest ground for imputing anything to their motives, and in the case of an arbitrary power that was all that could be expected; but he wanted to know upon what principle they acted. If it were good, he did not know why Parliament should not defend him instead of leaving him to defend himself. In former times the same delicacy was not observed. Suppose an election turned on a single vote, and that upon that vote the fate of the Ministry depended, did they not believe that 100 years back a Secretary of State would have thought himself a dolt for not opening a letter that would lead to that secret? Then the small number of the warrants made no difference, for if a warrant might run over several months, why might not eighty letters be opened instead of eight? There was no limit to the number that might be opened. A very instructive work had lately appeared—*The Correspondence of the late Lord Malmesbury*—and it appeared in that work that Lord Malmesbury, both abroad and at home, had some knowledge upon this subject. He supposed that nobody would say there was a more dishonourable act than opening letters in the course of a negotiation for the formation of a new Ministry; but when Mr. Pitt returned to power, in a letter to Lord Malmesbury he expressed a strong opinion that one of his letters had been opened. Again, the Duke of Portland, in 1792, in a letter on a similar subject—as to the introduction of Mr. Fox into the Cabinet—said, "I shall have this letter directed by another hand, and sealed by another seal." That was a strong intimation of what he expected. The same thing occurred in Mr. Burke's beautiful letters, and also in the letters of Horace Walpole; and he had no doubt that in those times it was considered quite fair that they should avail themselves of every kind of information that could be obtained by the opening of letters. But the same work, *Lord Malmesbury's Correspondence*, contained a passage which he had thought it right to copy, because, although it related to a foreign post office, still the same practices might be resorted to elsewhere. It was contained in a letter from Lord Malmesbury to the Minister in this country, in which he said his Lordship would scarcely credit it, but that M. Panin, then Prime Minister to Catherine II., employed whole nights in framing supposititious letters calculated to help his friends and hurt his enemies, and which he afterwards pretended had been intercepted in the Post Office, and the falsehood of which could not be detected, because when he showed them to the Empress, he used to state that the originals could only be detained while copies were taken. Another extract he had made, not from *Lord Malmesbury's Correspondence*, but from a review of the Correspondence; and certainly he believed that it was the remark of a reviewer who was never suspected of in any way favouring liberal opinions; but this particular review was a very acute review, and there the opinion was expressed, that if it was only to obtain such secrets as those which Lord Malmesbury said he was obliged to spend great sums to obtain, he only made a bad bargain, and that mostly money spent in this way would be money thrown away, for that the inteligence thus arrived at was only such as our adversary meant should mislead us, and which ought generally to be taken in the reverse sense to that which it purported to bear. And that brought him to what was the strongest point of the present case, namely, that it was beyond all possibility of doubt or

cavil that this power was utterly useless. Neither of the Committees could state that it had ever done the smallest service to the State. The Committee stated that the Secretaries of State would be reluctant to see the power abolished. But, as his noble Friend had said, who did not like power, whether he expected office, or was at present in office, or had possessed office? Those who had been in office did not like that you should abrogate a power so liable to abuse as this which they had at one time exerted. Their Lordships would agree that it was most remarkable that no traces of the utility of this power in practice could be found in the Reports of either of the Committees. How easy would it have been for them to say, if such had been the fact, that in such a year the State obtained valuable information by this means? But there was a total absence of any such statement; there was an absence also of any allegation that any one respectable authority believed that it would be useful to the State to have this power continued. Then, as the practice was now known publicly, how easy would it be in future for seditiously disposed persons to take this mode of entrapping the Government; how easy would it be for such persons to take this mode of putting the Secretaries of State on the wrong scent; and if the state of the country was such, that troops were really wanted in the north, to write such letters as upon being opened at the Post Office would cause the troops to be sent away into the west! The practice would become a snare to the Government.

"Oh! what a tangled web we weave
"When first we practise to deceive!"

As had been mentioned in the House of Commons, there had been in former times a letter intercepted in a foreign post office which had led to exactly the reverse consequences to those which the Minister had anticipated, and had hastened a declaration of war on the part of the Government that opened the despatch; and when the Minister in this country remonstrated with our Ambassador for writing such a letter, he replied that the foreign Cabinet had fallen into his snare. Thus there would be no security that the Secretary of State here would not be the victim of the practices he put in force against others. He now came to the third point. When a letter was opened, what was to be done with it? The Act of Parliament was silent on the subject. Was it fit that it should be silent? Both the Committees were silent. The noble Lord had abstained from alluding to that part of the question. Who could bear to think of it? What, was a letter that had been opened that you might become possessed of the secrets of the writer, to be sent on to its destination with every appearance that it had travelled the whole way in security, resealed with forged stamps, and with new writing in it, if necessary to complete the deception? If the noble Lord personally gave his assurance to the writer of the letter, the man could not have more assurance that his letter would be conveyed in security. It had been stated so often to have been done, that their Lordships must believe it, that there was a Black-office, either at the Secretary of State's office, or within the walls of the General Post Office, where ingenious individuals were employed in these disgraceful practices, by which you might get at the secrets of persons—guilty persons perhaps, but by which the innocent, it was equally likely, might be wronged and deceived. Was that the mode that a great country like England should have recourse to in order to avail itself of information of the designs of its enemies? He knew of no proceedings at law in which such proceedings had been had recourse to, except the Bill of Pains and Penalties against Bishop Atterbury; but proceedings more disgraceful to the House of Commons than those he had never met with. They admitted copies of the letters of the Bishop and his correspondents in evidence, and would not admit evidence that they had been truly copied or correctly deciphered. In this case, their Lordships had no evidence that the practice had done any good whatever. He gave his noble Friend his cordial thanks for having introduced this Bill, and he was most sure that this Bill, or a more extensive measure, must ultimately become the law of the land. If this Bill, as he thought not unlikely from the appearance of the House, should go no further, he did hope that some Bill would speedily receive the sanction of Parliament to prevent a person from being entrapped by these odious means, by which, when you have led him to suppose that you were carrying his letter as his agent, at the same time you were taking secret means of making him condemn

himself. The noble Lord observed that this Bill did not abrogate the practice. He (Lord Denman) certainly should think it much better that the practice should be abrogated altogether, for the greatest possible mischief might arise from the practice, and no good had been shown ever to have arisen from it. The noble Lord had alluded to what was going on in 1842; in 1842 he acknowledged the danger was great. God forbid anybody should endeavour to palliate that danger; but how was it met? The Committee did not state that it was met by means of the information derived from opening the letters of suspected parties. No, it was met by the firmness of the Government and of the magistracy, by the good conduct of the police, and, he might be permitted to add, by the firm and temperate administration of justice. It was not by means like this of opening letters that the men who were then seeking to overturn the institutions of the country were defeated. They were defeated by the good spirit of the country; and that he, for one, believed would have been the case if no letters had been opened by the Secretary of State at all. This Bill might be liable to objections; but, if necessary, a discretionary power might easily be so arranged, that very little more inconvenience would arise from detaining the letters of suspected persons, than arose from detaining goods or searching houses under suspicious circumstances. He took it that this, however, confined the opening of letters to cases affecting the domestic affairs of this country — the internal peace and tranquillity of this kingdom. This country ought not to be the police officer of any Foreign State whatever. Here he could not help referring to the late events which led to this inquiry; and, if he might be allowed to address himself to the noble Earl opposite, he would say that the explanation which the noble Earl gave of his conduct and views on that occasion was not only perfectly blameless, but very much raised his character as a just and honourable man. His alarm was, lest he might by possibility have contributed to the detection even of guilty men. It was a painful duty, he said, but a duty imposed upon him; and he took pains to prevent any injury to individuals. If they were found guilty, the noble Earl believed it was upon perfectly good and sufficient grounds; and he (Lord Denman) would be sorry, therefore, to interfere with his conviction, that nothing which then took place through his means which had injured any one. But he (Lord Denman) thought it was unfortunate, when he found characters brought into question, and persons accused from day to day, and that it was said to be perhaps as well that they should be so as not. He could not help thinking, however, that we entered upon a painful and dangerous course wherever, in any single instance, we interfered for the purpose of carrying out the objects of any Foreign Goverment. It was very easy to say that disturbances in Calabria were connected with seditious proceedings in Corfu, and that those proceedings at Corfu might lead to commotion in Austria, and that if Austria were disturbed that would put France in motion, and France would move England. Why, these remote possibilities were perpetually arising, and might arise on every question. Well did he remember the language of the noble Duke last year—that it was the proud policy of this country to preserve the peace of the world; but he (Lord Denman) thought the peace of the world was best preserved by our declining, on general grounds and on all occasions, to interfere in the concerns of any Foreign Government whatever. If they once interfered in any case, might it not be possible that they might be solicited to interfere in other cases? And if they refused, might not that refusal become the cause of war? If they refused to interfere on behalf of a friendly State, they might give offence which might possibly operate on the feelings of men in such a way as to lead to war. To advert, for instance, to the situation of Mr. Mazzini, was it possible to imagine a more inconvenient situation for a Government than to be told by some Foreign State, "You have a certain Mazzini living among you. He is a dangerous man. Take care what you do with him; and do not fail to open his letters, in order to prevent him from carrying on improper practices?" Year after year had that individual been labouring under the charge of being a dangerous and atrocious character, one who would hire others to commit assassination; and now some leading Member of the Government of England was compelled to declare that there was not the slightest foundation for such imputation. Now, if the Government of England granted this favour to the Pope or the King of Naples, how were they to deny

it to the Emperor of Russia? If he were not satisfied with the conduct of some of the Poles in this country—if he thought they were carrying on here plans dangerous to his Government, and if he were to call on the Government to take these means of affording him information as to individuals, was it impossible that a refusal might lead to war with Russia? Then, the only ground on which they could enter upon an engagement of this kind was, they were treating with those who were in possession of the reins of Government. But was it always easy to tell who was actually in possession of the Government in Spain and Portugal? and might it not so happen that by serving one party they might in the result find they were playing into the hands of the enemies of this country? He thought this was not a proper kind of assistance for this country to give to any Foreign Government. He could not agree in the expression which had been dropped of regret that we had no longer an Alien Act. He thanked God we had not an Alien Act. He remembered the siege that had been laid to that iniquitous Act in the other House of Parliament. Year after year that siege had been laid, and he did not believe that Sir R. Peel had forgotten the cheers with which he was greeted when he came forward and declared that the Alien Act was gone. He (Lord Denman) trusted that it was gone for ever; but this opening of letters was a substitute for it—much less effectual, it was true, but much more dangerous in its results. In no sense whatever should he wish to see that Act reproduced. He did not think it necessary to disclaim any imputation of motives to those Gentlemen who had filled the high office of Secretary of State; he did not speak of any one living; but there had been unfortunately very unprincipled men in the office to which the exercise of this power was confided, and there might be again, and this power ought not to be again trusted to such hands. Then underlings in office might think, that while these practices were resorted to by their superiors, they might safely play that game of "*High Life below Stairs*," with which the country had been entertained during the summer months, when letters were opened which referred to the Derby stakes. Subordinates might be induced to act thus by the example of what they knew to be done by their superiors in office. His own experience in courts of justice confirmed the unfavourable character that had been given by a person high in the Post Office of the subordinates employed there. Persons in those situations had abused their trusts; that was notorious, and he did not know that they would be induced to discontinue their practice as long as they observed that the law permitted such practices by their superiors, who were equally expected to conduct themselves with reason and integrity. 1844 was the first year that we had seen the opening of foreign letters for the benefit of Foreign States, quite *bonâ fide* done for that purpose, and for avoiding embarrassment in our relations with these States. The practice was new, and, as he thought, dangerous, and utterly unknown to the people of England. They were not aware of it until it came before Parliament last year. It was true that the power had been contained in Acts of Parliament for a long series of years; but it was utterly unknown to the public. In the Act of Victoria no reference was made to it in the margin. It was the same with the former Acts. Blackstone was not aware of it. His (Lord Denman's) learned brother, Mr. Justice Coleridge, who edited *Blackstone* about twenty years ago, did not give any notice of it. Mr. Chitty, however, as his noble and learned Friend had pointed out to him, did mention in his edition of *Blackstone* an Act of Cromwell in which this power was contained—not a very respectable origin that for an Act of Parliament. This practice, then, had its beginning under Cromwell. He (Lord Denman) had last night marked a short passage in *Hume* respecting the last hours of Cromwell, which he would read to their Lordships:—

"All composure of mind was now for ever fled from the Protector; he felt that the grandeur which he had attained with so much guilt and courage could not insure him that tranquillity which it belongs to virtue alone and moderation fully to ascertain. Overwhelmed with the load of public affairs, dreading perpetually some fatal accident in his distempered government, seeing nothing around him but treacherous friends or enraged enemies, possessing the confidence of no party, resting his title on no principle, civil or religious, he found his power to depend on so delicate a poise of factions and interests as the smallest event was able, without any preparation, in a moment to overturn. Death, too, which with such signal intrepidity he had braved in the field, being incessantly threatened by the

poniards of fanatical or interested assassins, was ever present to his terrified apprehension, and haunted him in every scene of business or repose. Each action of his life betrayed the terrors under which he laboured. The aspect of strangers was uneasy to him; with a piercing and anxious eye he surveyed every face to which he was not daily accustomed. He never moved a step without strong guards attending him; he wore armour under his clothes, and further secured himself by offensive weapons, a sword, falchion, and pistols, which he always carried about him. He returned from no place by the direct road, or by the same way which he went. Every journey he performed with hurry and precipitation. Seldom he slept above three nights together in the same chamber; and he never let it be known beforehand what chamber he intended to choose, nor intrusted himself in any which was not provided with back doors, at which sentinels were carefully placed. Society terrified him, while he reflected on his numerous, unknown, and implacable enemies; solitude astonished him, by withdrawing that protection which he found so necessary for his security."

If he (Lord Denman) wanted a contrast between two individuals, he should speak of Oliver Cromwell and that illustrious man whose victories in war were crowned by his influence in civil affairs, whose victories had all been journeys on the road to peace, and whose moderation and virtues were the pride, the boast, and the bulwark of this country. He wished the noble Duke would take that contrast into his consideration, and see that the individuals were not more contrasted than the times in which they lived; and that if this hateful power originated in the fears of a gloomy and hypocritical tyrant, there never was a man more proper or more suited to repeal it—to relieve the Government from the odium of it, and the people of England from the oppression and insult, than was the noble Duke in the times in which we lived. This panegyric he would venture to pronounce on the noble Duke, though in his presence:—

"Statesman, yet friend to truth, of soul sincere,
In action faithful, and in honour clear."

He (Lord Denman) trusted that the noble Duke, at a moment when the Government of this country were reversing the policy of Oliver Cromwell, with regard to Oliver Cromwell, would not lend his support to a more grievous policy towards England than had been pursued in respect to the subject before the House—the Protector.

Lord *Brougham* said, he thought the measures of the statesman to whom his noble and learned Friend had just referred, would bear a comparison with any that had been propounded in any age of our history. With the crimes of Oliver Cromwell he was as familiar as his noble and learned Friend—he reprobated and despised no less than he the faults of his character; but he maintained that he had propounded, and, to a certain degree, effected some of the greatest and most salutary improvements in the legal, as well as in the commercial policy of this country; and he only lamented—he said this in the presence of other Members of the profession—that the lawyers of the day were too strong for him. He had been a little alarmed at first at the very severe censure which his noble and learned Friend had been pleased to pronounce on his noble Friend opposite, in the opening of his speech, for having been guilty of what he was pleased to characterize as levity, which was inconsistent with the importance of this serious subject. But his noble and learned Friend, totally forgetting the tone in which he began, did not close his eloquent speech without having recourse to topics of a purely amusing nature. He was afraid to say anything which might excite a smile after the sentence which had been passed that night; but his noble and learned Friend had himself been guilty of the offence of uttering jests, not only at his (Lord Brougham's) expense—of such jests he would not complain—but even at the expense of the subject itself, alluding amongst other things to the mimic court of Charles II. and to the scenes there represented. His theatrical experience being not so great as that of his noble and learned Friend, he would not attempt to follow him in such allusions; but would apply himself in a very few words to the defence of the Committee of which he himself had been a Member. Now, the first charge brought against the Committee was, that they had not given any statement of the law. Surely his noble and learned Friend could not have read the Report, or if he had, it had not been with that careful attention which he usually gave to subjects before he addressed the House. If their Lordships looked at the very first page of the Report, they would find it stated that the power exercised by the Secretaries of State was of immemorial usage—that it dated from the earliest

institutions in this country for the conveyance of letters, and from the practice of, as well as Orders in, Council; they further state that the practice so established by usage had been recognised over and over again in Statutes passed in the reigns of several Sovereigns—was not that giving some statement of what the state of the law was? His noble and learned Friend must permit him to say, with great deference, that this was one of the ways in which any constitutional power came to deserve the name of constitutional power, in which any unlawful act came to acquire the title to be called a lawful act, by whatever Government it might be exercised. Here was a constant, uninterrupted usage as long as the Post Office had been established, and a recognition of its legality by various Statutes of the realm. He knew of no better foundation; nine-tenths of the Constitution rested on such a foundation as that. His noble Friend who had introduced the Motion said they must go back to the time of Richard I., in order to get back to the time of legal memory. Why, the whole of the powers and privileges of Parliament had originated within the time of legal memory, and it was only by the utmost subtlety and refinement that lawyers had been able to hold that they were beyond it. After giving a statement of the law, and of the foundations of the law, the Committee proceeded to say:—"This appears to the Committee (meaning this proceeding) to be the state of the law with respect to the detaining and opening of letters at the Post Office; and they do not find any other authority for such detaining or opening." His noble and learned Friend had compared this power of detaining and opening letters, under the warrant of the Secretary of State, with that by which general warrants were issued and defended. But such a comparison was ridiculous. Let noble Lords produce the statutory recognitions of general warrants; let them show him Statutes of Anne, George I., George II., or George III., enacting that such and such a thing should not be done, saving and excepting under general warrants issued by the Secretary of State. There was no such clause to be found in any Act in the Statute Book, and therefore a grosser error, a more absurd delusion, a more baseless imagination could not be conceived than that of likening the present case to the case of general warrants, and saying that the practice of two centuries is nothing, because practice would have sanctioned general warrants, which nevertheless on trial were found to be unlawful. If, before Lord Camden pronounced the memorable judgment which, among all his titles to fame, stood first and foremost—if he who was at the same time a lawyer, a statesman, an orator, and a judge, before he delivered that judgment by which his name had been immortalized in his profession as a lawyer, and amongst his countrymen as a patriot, had seen a tenth part of what was quoted on the face of the Report in the shape of statutory recognition of the power of issuing general warrants, he would venture to say, that although Lord Camden's fame would have burnt as brightly as ever, it would have been by having other lights to enshrine it for their veneration than his judgment in the case of Wilkes. Another charge made against the Committee was, that, although they had stated generally that they were in favour of keeping the existing power, they did not assign any one public use to which it might be subservient; and his noble and learned Friend who spoke last was pleased to say that it did not appear from the Report that the community was in any important particular a gainer by the continuance of the present law. Now, in the fifth paragraph of the second page he found the following words:—

"The Committee have not had any means of estimating in what degree the examination of letters thus detained has facilitated the administration of justice, the result never being reported to the Home Office; but it is known"—speaking of the power—"it is known in some instances to have led to the apprehension and conviction of offenders"—that was one little object of law—"and to the recovery of property,"

which was another object of some public importance. He thought, therefore, he was entitled to say that the Committee were not liable to the charge of not having shown that the exercise of this power was of any service to the State. In reference to State offences, the Report said—

"It does not appear that from any one of these letters specific knowledge of great importance has been obtained. The information, however, which has been derived from this source has been regarded as valuable, and may have given better information upon dangers apprehended in particular cases, than could be derived from local observation, or than

might be collected from the vague and exaggerated rumours which in periods of disturbance usually prevail."

The Committee was one of secrecy—they were not at liberty to divulge all that came to their knowledge; but how did his noble and learned Friend know that the passage there with the hidden meaning did not allude to the dangers to which the country was exposed in 1842? He would not break the secrecy which had been imposed upon him as a Member of the Committee; but without going further, he would only inform his noble and learned Friend that it did. His noble Friend who introduced the measure had as holy an abhorrence of general warrants as his noble and learned Friend behind him; but if the Bill were to pass into a law, general warrants, for the first time, would be legalised. ["Hear, hear!"] It was so, and he referred his noble and learned Friend to the second section of the Bill, and he would find that he (Lord Brougham) had properly described the effect it would have were it to become law. With the sentiments which his noble and learned Friend entertained, he was bound to vote for reading the Bill six months hence; and having got rid of it, let him, to be consistent, introduce a measure altogether abolishing the whole power from beginning to end. In his opinion, the power must be retained. His noble Friend would allow it to exist where parties were suspected of treason against the peace and safety of the State, but he would abolish it in all other cases. If he were required to choose between different cases, he would infinitely rather have the power retained in reference to other cases, than with relation to that which he had mentioned. The reason of this was obvious. People who were brewing high treason did not usually send their letters through the Post Office. [Lord *Denman:* Of what use, then, was the power?] That was exactly his argument—the power was of no use for such purposes. It might be used, however, with advantage in the detecting of minor offences; it might be resorted to in cases of murder, robbery, forgery, and fraudulent bankruptcy. There could be no doubt whatever that the detaining and opening of letters at the Post Office offered a very ordinary and easy mode of detecting such offences. He himself remembered an instance in which a man who had been guilty of felony on a great scale was discovered, together with his gang of mercantile conspirators, seized, tried, condemned, and executed (the case happened before the alteration of the law with respect to capital offences), in consequence of a letter being stopped at the Post Office which was written to a person known to be related to the head of the conspiracy. He must observe that the eighth and ninth sections of this Bill would, if the Bill were carried, utterly prevent spies from giving to the Government information which it might be desirous to obtain. With regard to the Bill itself, he had to remind their Lordships that the Committee which sat upon this question had stated in their Report that they could not recommend the abolition of the present law; they stated that this power had never once been exercised for any bad or sinister purpose; they distinctly alleged that it had never been abused. He (Lord Brougham) had heard no charges brought against any particular Secretaries of State. He found the greatest names involved in the practice ever since it had existed. The name of Mr. Fox was appended to one of the most sweeping warrants which they had before them. His noble and learned Friend who had spoken last said, that Mr. Fox would have been more likely to join those who were against this power, than those who were in favour of it; but he (Lord Brougham) knew too well the acute character of Mr. Fox's mind, to suppose that he would have gone to the extent of supporting this Bill. That he might have supported some other Bill was possible. There was nothing to compel Mr. Fox to issue the warrant which he did issue. He issued it voluntarily; it was signed with his own hand, and it was, he repeated, of the most general and sweeping nature. It was impossible that he could have signed it without attending—without most minutely attending to the subject; for Mr. Fox was a man who possessed the most accurate information upon all details—he was a man who peculiarly loved details—he was a man whose curiosity was ever watchful and awake, and who was especially fond of prying into every particular connected with his own department. He well remembered that on one occasion when he (Lord Brougham) happened to be with him, and when the Under Secretary was unavoidably absent,

it appeared as though there were no single detail connected with the routine of the Foreign Office with which he was not most intimately acquainted. Mr. Fox was not likely, therefore, to have exercised this power without the most searching inquiry; and he ventured to say, that were Mr. Fox alive at that moment, there was no one case that had been brought forward in the course of the inquiry in either House of Parliament which he would not have shown that he knew as well as they themselves did. It was quite impossible that Mr. Fox could have had any strong opinion against this power as unconstitutional. Yet, he would ask, was there ever a man who would shrink more from anything that was paltry or degrading? Was there ever a man who would more have hated to meet a Foreign Minister on terms of confidence or good will, or even of common courtesy, in society on the day when he had been reading his letters, possibly his private correspondence, under a warrant of his own at the Foreign Office? Mr. Fox must have felt the necessity for the exercise of this power. He signed this warrant, he acted upon this warrant, and never, to the end of his life, either in office or in opposition, did he endeavour to alter a practice of the existence of which he was aware from his own experience. Right or wrong, the practice had the high sanction and authority of one of the soundest statesmen, one of the most constitutional lawyers, one of the most profound historians in all that regarded the antiquities of our Constitution, and one of the most upright and honourable men that ever adorned either a high or a middling station of life. He would give his most hearty assent to the Amendment of his noble Friend.

Lord *Campbell* observed that he was, on the present occasion, placed in a peculiar and novel situation, having to defend the opinion of the Lord Chief Justice of the Queen's Bench against that of his noble and learned Friend who had been Attorney General to Queen Caroline, and afterwards had filled the high office of Lord Chancellor. The able and constitutional speech of his noble and learned Friend the Lord Chief Justice would, he was sure, make a deep impression upon the English nation, and add to the admiration and reverence with which his name was every where received. The question, which had been in a great measure, he thought, lost sight of, was, whether this Bill of his noble Friend (Lord Radnor) now before their Lordships should be read a second time; but his noble Friend behind him had gone into a discussion of the merits of Oliver Cromwell, a most able statesman no doubt, and a governor in whose time many important legal reforms were effected, with which, however, he had but little to do, and whose only personal measure was a Bill to abolish the Court of Chancery, the result of which might be gathered from his complaint that the lawyers were too hard for him. This, however, had nothing to do with the question before their Lordships, which was simply whether the law on this subject was to be allowed to remain in the state in which it now was, or whether they would not make some attempt to define and regulate it. In his opinion it would be better that this power of opening letters should be entirely abolished. For his part he thought it was a power more likely to be injurious than beneficial to any Government. It was true many cases might be imagined in which it would be convenient that the Government should have such power; but cases could be supposed in which the employment of spies would be convenient to the Government, and cases could also be conceived in which the application of the torture might be convenient. Now let them consider what was the nature of this power as it now existed. It was the power of opening any letter that passed through the Post Office; and what was the process? First, an impression of the seal was taken, and a false seal made, then the letter was broken open, a copy of its contents taken—it was then refolded, a false seal was placed upon it and false stamp, and, if necessary, forged hands, in order to destroy any proof of the letter having been opened. It was then forwarded to its destination, the person to whom it was addressed having no intimation, and no means of knowing, that his correspondence had been tampered with. And this was to be done by the direction of any Secretary of State—the Colonial Secretary as well as the Home Secretary, and in regard to any letter or number of letters. This was a practice so abhorrent to all our notions of honour and propriety, that it was in England only that it was defended. All other nations were ashamed of the practice which his noble and learned Friend (Lord Brougham) had so gallantly

defended. Even his friend M. Guizot had disclaimed, in the most solemn manner, that any such practice existed in France. He had declared that the French Post Office was sacred, and he should consider it a slur upon his nation if such a practice did exist there. It was reserved for the Legislature of England — the English House of Lords and the English House of Commons, whose honour was supposed to be so dear and so highly prized—that this detestable practice was to be defended and panegyrized. Then it had not been shown, in the whole course of the inquiry that had taken place, that any benefit had resulted from the practice. Why, therefore, continue it? If, however, they determined upon preserving this power, surely it was necessary that it should be defined—that it should be regulated—and that it should be legalized. The Chief Justice of England had declared in his place in Parliament—that was, as far as he could do so, without giving an opinion by which he was to be bound—he had declared in the most solemn manner that in his opinion there were very great doubts whether the power did at this moment by law exist. Was not that alone a sufficient ground for reading this Bill a second time? What might be the result of leaving the law in its present state? An action might be brought against Sir James Graham by Mr. Duncombe or Mr. Mazzini. He imputed no blame to Sir James Graham; he had only done that which he found other Secretaries of State had done before him, and had merely acted upon a practice which he found to exist. If such an action were brought, there would be great difficulty in obtaining the necessary evidence, no doubt; but it was possible it might be obtained, and that a jury, acting under the direction of the judge, might decide that the practice was illegal, and give damages to an enormous amount, in which case a public functionary, who had acted merely in accordance with what he believed to be his duty, would be subjected to inconvenience and pecuniary sacrifice. But not only were there great doubts in his mind whether this power existed, but his belief was that it did not exist. It had been said in another place, and referred to in the course of that debate, that the Prerogative of the Crown gave the power to open all private letters that passed through the Post Office. That opinion had, however, been disclaimed by the noble Lord opposite, and no wonder, for it was extravagantly absurd; and he would, as had been said before, care as little for the opinion of the Secretary of State in such a case as that of the porter who waited at his door. There was no pretence for saying that there was any such prerogative in the Crown. It was true this power had been referred to in Proclamations, but that did not make it law. By the Common Law of the land there was no difference between opening a letter in the Post Office and opening a letter in the hands of a common carrier, or in the writing desk of the party to whom it was addressed. Then, if the power did not exist by Common Law, had it been confirmed by Act of Parliament? If it had, where was the Act of Parliament that gave it? They must look to this question, then, as it stood in Queen Anne's time, before the Act of Parliament passed. That the power at that time did not exist in Common Law was obvious; and the noble Lord opposite had admitted that the power was not confirmed by that Act. The Act merely made that which was before a trespass a misdemeanor, and inflicted a penalty accordingly. The same might be said of the subsequent Acts—the Acts of George II., George III., and of Victoria—they imposed a penalty as for a misdemeanor upon that which was before but a civil trespass; but neither of those Acts gave any power to the Secretary of State to open letters passing through the Post Office. Then, if the Secretary of State had not the power by Common Law, and if it had not been confirmed by Statute, from whence did it arise? Under these circumstances, he thought there could be but little doubt that if the power were contested in a court of justice, the judgment of the court would be against it. That it had been the practice of successive Governments could not be denied, and therefore he did not think any blame was due upon those who, presuming the power to exist by law, had exercised it. But the practice of issuing general warrants had existed from time immemorial, but it was found to be illegal; and he believed the same decision would be pronounced against this practice of opening letters at the Post Office, if the question came before the courts of law. It was true that the Secretary of State might issue his warrant to seize and open letters, and so might any justice of the peace, if the interests of

public justice required it, but he would do it on his peril. Instances had occurred, as in the case of Miss Blandon for murder, in which conviction had been obtained by the seizure of letters under such warrants; but those letters might have been seized whether in the Post Office or in a private writing desk. So much as to the principle of his noble Friend's Bill. As to the enactments which had been objected to by his noble and learned Friend, he thought it was a somewhat unusual course for their Lordships to enter into a discussion of the details of a measure on the second reading. If such a course was adopted, the greatest inconvenience would follow. The question was, whether the law should be permitted to remain in its present state or not? He said that they did not now know what the law was; and it was the duty of their Lordships not to leave the law in so vague and uncertain a state as placed the whole of the correspondence of England at the caprice of any person who might happen to be Secretary of State, without information being laid in the first instance, and without any account being rendered to Parliament of the manner in which the power had been exercised, or the grounds of its exercise. The noble and learned Lord concluded by calling on their Lordships to relieve the country from the odium and obloquy that now rested upon it in regard to this practice of opening letters.

The *Lord Chancellor:* I am unwilling to interfere with the noble Lord on this occasion; but although it appears to me that the subject is exhausted, I feel that I cannot, with reference to the position in which I stand, remain altogether silent. The point to which I will address myself is that which my noble and learned Friend principally treated in the latter part of his speech—viz., whether this is a power which a Secretary of State possesses by law. I entertain the greatest possible respect for the opinion of my noble and learned Friend the Chief Justice, and my other noble and learned Friend, and therefore it is that I always hesitate when I differ in opinion with them; but it does appear to me that, adverting to the history of this power, and the manner in which it is exercised, it is impossible to entertain any serious doubt as to the law on the subject; that it is a legal power, legally exercised by the person to whom t is entrusted. My Lords, the mode to consider this subject is to inquire what has passed in courts of justice upon it, and to consider also what are the Acts of Parliament that have reference to it. If I find that this power has been over and over again recognised by different Acts of Parliament (for the recognition of a power by an Act of Parliament makes it the law of the land); if I find that it has at different times been brought under the view of courts of justice, and that courts of justice have never expressed any doubt respecting it, then I think I am warranted in coming, and come safely, to the conclusion that this is part of the acknowledged law of the land. In order to satisfy you of the propriety of this conclusion, I will only refer to the facts, the distinct facts, that are stated in these different Reports of the two Committees of this and the other House of Parliament. My noble and learned Friend stated that this originated in the time of Cromwell. In that respect he is mistaken. The power is stated to have been exercised, in more than one instance, previous to the Commonwealth; and in the time of the Commonwealth there is a clause in the Act to which my noble and learned Friend has referred, which distinctly recognises the existence of the power. It was one of the very uses of establishing the Post Office—it forms part of the preamble of the Act of Parliament that it was so; and, therefore, that is a distinct recognition by the authority of the Legislature of that time, that it was part of the law of the land. What took place from that time and during the Commonwealth? It was acted upon in a great variety of instances; and the Committee of the other House of Parliament, in their Report, refer, in confirmation of what I have stated, to the intercepted letters, many in number, contained in *Thurlow's State Papers;* which shows that the Act of Parliament which passed at that time was not suffered merely to rest on the Statute Book, but was acted upon by authority. What is the next step? Immediately after the Restoration, we find the same power, not recognised, indeed, by the Legislature in the first instance, but recognised by various instruments that were executed at the time. We find a lease granted of the Post Office to a person of the name of Bishop. In that lease this very power, which had been previously exercised and recognised by Act of Parliament, is asserted and reserved to the Secretary of State for the time being. My noble and learned Friend says, very

properly, that a proclamation does not make the law; but a proclamation is evidence of the law. A proclamation ought not to issue by authority of the Crown unless it is founded upon the law. We find that after Bishop's lease terminated, and when a grant of this power was made to another person, of the name of O'Neile, a proclamation was issued by the Crown, reserving the same rights and the same power to the Secretary of State, which was contained in the Act to which I have referred. This brings down the power to an advanced period in the reign of Charles II. Now, I turn to the proceedings of the courts of justice. At that time, Coleman was put on his trial. What was the evidence against Coleman? It consisted of letters intercepted at the Post Office, under the authority of the Secretary of State. I am not approving of that trial—I am not approving of the verdict—I am not approving of the judgment: but these things were brought distinctly to the knowledge of the Court; the evidence was received, it was acted upon; neither the counsel at the time, nor the judges who presided at the trial, expressed any doubt as to the legality of the proceeding. It was considered as part of the acknowledged law. [Lord *Campbell* said the handwriting was proved, and therefore it could not be opposed as evidence.] If this had been considered as a violation of the law, is it possible that no observation should have been made, either by the counsel for the prisoner, or by the judges who were presiding? But that is not the only case. My noble and learned Friend referred to the case of Atterbury. What was the evidence against Atterbury? A series of letters intercepted at the Post Office, commencing in the month of March, according to the Report of the Committee, and continuing to August the same year. These letters, or copies of them, were all proved at the Bar of this House against Atterbury; and no observation was made by any noble Peer, no observation was made by Atterbury himself, no observation was made by any learned person at the time, calling in question the authority of the Secretary of State to intercept letters, or to produce them in evidence. Observations were made as to the manner in which the prosecution was conducted—observations were made when Atterbury insisted on cross-examining certain witnesses, and having certain other witnesses produced—observations were made, with great force and propriety, as to the hardship to which he was exposed, and the injustice that was made use of against him, and as to copies only of his letter being produced, and there being no evidence to prove that the handwriting was compared with the original, and no opportunity offered to cross-examine the persons who had made those copies. If there was so much activity used with respect to these particular points to which I have directed your Lordships' attention, and to which my noble and learned Friend referred, and not a single observation was made as to the authority of the Secretary of State, and the manner in which the letters were obtained, then I put it to your Lordships whether that is not the strongest evidence to show that, at that period at least, it was considered this power was legally exercised by the Secretary of State? But this is not all. Your Lordships very well recollect another most material fact that is referred to, which relates to a complaint made in the other House of Parliament against the Master of the Post Office, for opening the letters of Members of the House. A Resolution was passed upon the subject by the House of Commons. A great deal of excitement and feeling was created upon the occasion, and what was the result? A Resolution was passed by the House of Commons, in which they declared it was a high breach of their privileges to open any of their letters, except under warrant and authority for that purpose by the Secretary of State. What could be a more distinct recognition than this by the other House of Parliament? I do not mean that the other House can make law, or declare that to be law which is not law; but it shows that this was a legal power lawfully exercised, and properly vested in the Secretary of State for the time being. There is another trial that I could refer to of more modern date—that of Hensey, for high treason. His letters were intercepted and produced, and the same observations apply with equal force to that case. No observation was made—no remark or suggestion that the power was not legally exercised by the Secretary of State. When this power thus comes in review before the Judges of the land, and in this and the other House of Parliament, and is never called in question during a period of nearly a century, I ask your Lordships whether that does not itself form a strong evidence of what the law is? The last case in which this power was recognised in a court of

justice was on the trial of Horne Took. Everybody knows that Mr. Erskine was the distinguished counsel for Horne Took. Letters were produced which had been intercepted at the Post Office. Would not that distinguished advocate have made observations and comments on this abuse of authority, on this illegal act and violation of the law, if he, who so well knew what the law was, considered it an infraction of the law? But no observation was made, either by that distinguished advocate or by any Judge on the bench. Nay, another person equally eminent, profoundly versed in the law of the country, Sir Vicary Gibbs, was also one of the counsel for Horne Took. Would he have allowed the evidence to have passed without observation if he had considered there was any doubt existing as to the law? These are observations in aid of the observations made by my noble and learned Friend; but it does not require this aid. I now come to the Acts of Parliament. I have referred in the first instance to an Act passed in the time of the Commonwealth. I now come to the Statute of Anne. What is the observation made on that Statute by my noble and learned Friend? He says it is only an exception from penalties in favour of the Secretary of State. I say it is a distinct recognition of what the law is. It is impossible to suppose the Legislature would have made such an exception, if the Legislature at that time did not consider that the law was such as to warrant such an exception. And the recognition of the law is as clear to establish what the law is, as if an Act of the Legislature had been passed directly upon the subject. But it is not merely to the Statute of Anne I wish to direct your attention. This question has been brought in review before the Legislature at different periods of our history; for instance in the reign of Geo. I. and Geo. II. But I now come to an important period—namely, 1830. What passed then? My noble and learned Friend (Lord Denman) then filled the high office of Attorney General, and he prepared a Bill for the purpose of continuing this very power. That Bill was drawn up with very great care and deliberation. My noble and learned Friend seemed to doubt this fact in the course of this discussion. My noble and learned Friend's attention was then directed to the clauses of that Act; and he said on that occasion that he had considered the subject most maturely; that he had examined into it, and that he did not think it either convenient or proper that the power should be given up. I recollect distinctly upon one of those discussions which have taken place here, my noble and learned Friend stated to your Lordships that he saw that such a power had existed, and that he did not think it proper to give it up. That I may not be considered as mis-stating what the noble and learned Lord said, I will read the passage in the speech to which I have referred. This was the object of my noble and learned Friend's proposition :—

"Without casting any blame or seeking to throw any suspicion over the manner in which the power in question had been exercised in the present instance, he certainly thought that the real and entire state of the case ought to be generally promulgated. If blame were attributable to the exercise of such a power, he should share it, for soon after the change of Government in 1830, a new Post Office Bill being required, he took an active part in preparing it. The clause containing the power he observed with a good deal of surprise; but as it was not thought necessary to deprive future Governments of the power, the clause continued to be part of the Bill."*

As my noble and learned Friend did not think it necessary to deprive future Governments of that power, he admitted it to be a legal one; because if it were not legal, to call it a power would be an abuse of terms; the clause therefore continued a part of the Bill. My noble and learned Friend added, "that he did not believe the Bill was in any degree a party measure. Your Lordships will perceive that this power was not only exercised by the Statute of Anne, but also by successive Legislatures, down to the present day; but in the particular instance to which I refer, my noble and learned Friend held the office of Attorney General, when he would not consent to abandon this existing power, and my other noble and learned Friend (Lord Campbell) co-operated with him. How is it possible that they can entertain this doubt as to the legality of this power, which I have proved, by a reference to Acts of Parliament, began with Cromwell, and was continued down to this day, when my noble and learned Friends were themselves the actors—how is it possible, I say, that they can now repudiate this authority, which has been recognised by so many Legislatures, and was then armed with the same force as if it were distinctly enacted by these Legislatures? I have called your Lordships' attention to

* Hansard (Third Series), lxxv. p. 980.

the manner in which this power has been authorized; and never has it in any one instance been called into question. Have I not then established to your Lordships' satisfaction that this is a legal power when legally exercised, and which has never been called into question, has never been doubted until now? My noble and learned Friend says, that the parties exercising the power are liable to an action. Has any action been brought to question the exercise of this power? Did Mr. Mazzini ever bring an action to decide the point? Why did not those who questioned the power bring the matter before a legal tribunal? Why not bring an action, if an action could at all be supported in the face of what I have stated? My Lords, I felt that I could not sit silent on this occasion when my noble and learned Friends have stated their serious doubts as to the law on this subject. I felt it my duty to express my opinion on this subject, which is consistent with that of my noble and learned Friend near me (Lord Brougham). I repeat again, that whenever I differ in opinion upon a question of law from my noble and learned Friends, I differ with doubt and hesitation; but in this case I find myself fortified by arguments and facts, to which I have already referred. It is my conviction that the opinion which I have expressed is the correct one, and nothing that I have heard in the course of the present debate has induced me to depart from it. With respect to the present Bill, I think it is wholly unnecessary for me to enter into any discussion upon it. The noble Lord who has last addressed your Lordships has pursued a most extraordinary course with respect to it; he reprobates this power; he says that it has not been lawfully exercised, and that such a power vested in the Secretary of State was abominable. The noble and learned Lord makes use of all his usual eloquence to show how abominable a power it is, and how disgraceful to a country like this that it should exist. But what course does he take? He actually votes for the second reading of this Bill, which proposes to continue and to perpetuate that power, so as to render the existence of it perfectly legal. Now what course can be more inconsistent? If the noble and learned Lord thinks that this power is contrary to law, and disgraceful to the country, he should vote for a very different Bill to that which is before the House. In respect to the inconsistencies of this Bill, these have been so exposed by my noble Friend (Lord Stanley) who opened the debate, and my noble and learned Friend near me, that I think it would only be an idle waste of time to enter any further into this point. I shall make no observation upon it except this—one of its provisions is, that within fourteen days of a letter being received, it shall be transmitted to the person to whom it is directed; it follows of course that no other letters having reference to that transaction would be attempted to be transmitted, or would be intercepted. Now, as in the case of Atterbury, the illegal correspondence might be carried on for a period of six months, and the greater part of the valuable evidence which was procured in that case would have been altogether lost, if the provisions of this Bill had then been the law of the land. But I will not occupy your Lordships' time further. My object in rising was to state my opinion in respect to what the law in this respect really is, and the reasons upon which such opinion is founded. I have done so as concisely as it was in my power, and I do not mean to make any further observations in respect to this particular Bill.

Lord *Denman* explained: he had been stated to have said that he had maturely considered this subject, and deliberately said that it ought to be the law.

The *Lord Chancellor:* That the power ought to be continued.

Lord *Denman:* As to the question of power given by the Act, it had never been considered by him, and never brought before him. What he had said last year on this subject was said in the spirit of conciliation, and in the hope of inducing the Government to give their deliberate consideration to this most important subject. He had said that this was no party question, and it was one in which every party ought to have but one object in view. He had been reminded, by the former Postmaster (the Duke of Richmond), that when he filled the office of Attorney General, he had given it as his opinion that the power ought not to be continued—that he had entered his remonstrance against it; and he must say, that he felt the same objection to it still.

The Marquess of *Normanby* said, that as the immediate predecessor of the right hon. Gentleman who was now Secretary of the Home Department, he had thought it better to attend these discussions, in case any reference should be made to him on the duties of that office as connected

with this subject. He only meant now to trouble their Lordships with a few words in explanation of the vote he meant to give. He was one of those persons who had been alluded to by his noble and learned Friend, in his admirable speech, as having exercised this power; and his noble and learned Friend had stated that all those who had exercised power once, were influenced by the desire of exercising it again. In the general view of human nature thus given by his noble and learned Friend, he must plead on his part an exception; for it was never but with feelings of unmixed pain he had exercised such power. The question, however, to be decided that night was not whether that power should be continued or not. The question to be decided that night was, whether the Bill introduced by his noble Friend behind him should be read a second time—by which he understood, that the principle of the Bill should be adopted. Whenever the question came before them as to whether they were to continue, or not continue, this disputed power, he should be prepared to give his best attention to the consideration of that question. He would come to that consideration influenced by the peculiar circumstances of the case calling for such a decision, namely, what advantages rose from the exercise of the power, and what practical diminution of the public benefit might arise from it. He was one of those persons who was not aware of the exercise of this power until he came to the situation in which he was called upon to exercise it. What, however, was their situation at present? Not only were their Lordships aware of it, but so also was the other branch of the Legislature, and the public were not only conscious of the exercise of this power, but there were exaggerated notions prevailing as to its exercise, and thus a material diminution in the benefit that might arise from it. But then, if they come to the consideration of the Bill of his noble Friend, they would be bound to consider it clause by clause. He had done so; and he found that whilst it left the public odium of the supposed evasion of this privilege, he sincerely believed, that it would deprive the Minister of any practical benefit for the public service. He was told that the Bill once received in Committee might be amended there; but having listened to the able arguments in support of the Bill, he could not find any of them in favour of the principle of the Bill; because every one who argued for the Bill said he was against the principle, for he would prefer the abolition of the power. How, then, was it possible to support the second reading of this Bill? It was not his intention to agree to it; and, in saying so, he requested the noble Lords' opponents to give their serious consideration to the subject. The question, they might be assured, could not be closed here. After the statements made to the House that night; after high legal authorities had given conflicting legal opinions as to the particular state of the law, he thought it was necessary that the other House of Parliament and the Government should take up the question, to see whether a consideration for the public service imperiously called for the continuance of this power, and that, in bringing in a Bill, they might not limit it in such a manner as to establish, at least, a regular official record of every warrant, that which was a very different thing from a publication. He threw out these suggestions to noble Lords opposite, whilst he said that, if his noble Friend pressed his Motion to a division, he must say "not content" to it.

Lord *Stanley* observed that, at the present moment, and for some years past, no warrant for opening letters was ever issued that three persons were not cognizant of —the Secretary of State, the Under Secretary of State, and the Chief Clerk. Thus every warrant issued was placed upon record; and the Post Office, too, kept a record; and in addition to these, the Postmaster preserved the warrants for his own protection.

The Earl *Fitzwilliam* observed, that the noble Secretary of State (Lord Stanley), and his noble and learned Friend (Lord Brougham), both contended for the propriety of the practice of opening letters at the Post Office; but each for different reasons. His noble Friend opposite supported his opinions by much more statesmanlike views than his noble and learned Friend. His noble Friend contended that it was necessary for the commonwealth. His noble and learned Friend said nothing of the kind; he wanted the power as a measure of police, for tracing murderers and robbers, and hunting down fraudulent bankrupts and little thieves. His noble Friend (Lord Stanley) did not descend so low as his noble and learned Friend. [Lord *Brougham:* It is a gross exaggeration.] His noble and learned Friend argued so well upon different matters,

that he even forgot the reasons he had urged; and as his topics descended, so did his noble and learned Friend sink in his eloquence. Now, as to his noble Friend (Earl Radnor), he could not greatly compliment him on the construction of his Bill; and if he voted for his Bill, it was not because he was in love with the manner in which he had drawn it up. In its present state, it was extremely doubtful what was and what was not intended to be the law. He, then, only voted for the Bill on consideration that the law required amendment.

Lord *Brougham* said, there never had been so great a misrepresentation as that into which his noble Friend had fallen. He appealed to their Lordships whether he did not put the continuance of this power on two distinct grounds—first, for the purpose of tracing crime; and next, to maintain the tranquillity of the Empire.

The Earl of *Carnarvon*, thinking that no legislation was necessary on the subject, opposed the second reading of the Bill.

The Earl of *Radnor* was not prepared to defend the Bill as to its details, after the criticisms which had been passed upon it. Some of these criticisms, he must say, were exaggerated; but at that late hour, he would not detain their Lordships by dwelling on what he considered the exaggerations. He would, however, observe to the House that if they came to a division upon the second reading, it would be a division upon the principle of the Bill, and not upon its details. It was upon the principle involved in the Bill that he went to a division; and those who voted with him would vote on the principle, and not at all on the details, of the Bill.

The House divided on the Question, That "now" stand part of the Motion:—Contents, 9; Not-contents, 55: Majority, 46.

Bill to be read 2ª on *this Day Six Months.*

House adjourned.

The following Protests were entered on the Journals:—

"1. Because we think that the law, which in a matter directly affecting the rights, interests, and comfort of every class of the community, ought to be perfectly clear and distinct, is in the matter to which this Bill applies obscure and doubtful, affording neither a guarantee to the subject against inquisitorial tyranny and the arbitrary caprice of a Minister, or certain protection to a servant of the Crown who may be led by unsound precedents to exceed his lawful authority.

"2. Because it does not appear from either of the Reports of the Secret Committees of this and the other House of Parliament, or from any other authentic source of information, neither has it been alleged in debate, that any danger to the State from foreign foes or from domestic treason has ever been averted or discovered by the stoppage or opening of letters in the Post Office; and we therefore gather from the experience of nearly two centuries, that no benefit arises from a practice which is so unconstitutional, odious, and demoralizing, that nothing but the highest interests of the State, involving the peace of the country or the security of the Sovereign, could justify or palliate its continuance without some such limit and restraint as this Bill is calculated to impose.

"3. Because, even if we could believe that the opening of letters in the Post Office may have been at any past time useful to the Government and beneficial to the community at large, we should nevertheless be convinced that it cannot in future be attended by advantages at all commensurate with the evil of maintaining a system disgraceful to our Government, repugnant to the feelings of the British people, and contrary to every principle of popular or individual liberty.

"SOMERHILL."

"1. Because it is doubtful whether by law any power exists of detaining and opening letters passing through the Post Office.

"2. Because this power, as now exercised by the Secretary of State in England, and in Ireland by the Lord Lieutenant, is abhorrent from the feelings of the people, and is immoral in itself; being in violation of confidence, and requiring for its useful exercise secrecy, which in practice has been obtained by the forging of seals and the falsification of stamps.

"3. Because being exercised secretly, it cannot be questioned; and the person who exercises it, not being known, cannot be proceeded against or made responsible.

"4. Because, if necessary, as is alleged, for the safety of the realm, or for the purposes of police, it ought to be clearly recognised by law, regulated, and well defined; and the provisions of this Bill were intended for that purpose.

"5. Because the clauses and provisions against which in the debate strong objections were urged, might have been altered in the Committee if the Bill had been allowed to proceed, and were not legitimate grounds for objecting to the principle or refusing the Second Reading.

"RADNOR,
"DENMAN."

"1. Because I think the law with respect to the detaining and opening letters at the Post Office extremely doubtful; and that in a

matter of so much delicacy and importance, it ought to be peculiarly clear and well defined; and because if the law really is what it was contended in the debate to be, I think it ought to undergo immediate amendment.

"2. Because, despairing at present of the entire abolition of the practice, I highly approve of the principle of the Bill, which was meant to restrain it to cases in which it might possibly do some good, and to limit its operation within reasonable bounds.

"3. Because if the clauses of the Bill were liable to the objections urged in the debate, these clauses might have been corrected, and the objections obviated in the Committee.

"4. Because two most desirable objects would have been obtained by this Bill—

"1st, The suppression of the immoral and fraudulent practices naturally arising out of the power itself; and,

"2ndly, The limiting the exercise of the power claimed to matters of internal government, and the preventing of that interference with the concerns of foreigners, relying on English hospitality, which I deem derogatory to the character of the country, and which, as late events have proved, is likely to be prompted by false information, and may, I apprehend, endanger the general peace.

"Denman.
"Radnor.
"Campbell.
"Kinnaird and Rossie."

HOUSE OF COMMONS,

Friday, May 30, 1845.

Minutes.] Bills. *Public.*—1°. Dog Stealing,
2°. Privy Council.
Reported.—Military Savings Banks.
Private.—1°. Birmingham and Gloucester Railway (Worcester Branch and Cheltenham Extensions).
2°. Diss, Beccles, and Yarmouth Railway; Goole and Doncaster Railway.
Reported.—Newcastle and Darlington (Brandling Junction) Railway; Newcastle and Berwick Railway; Claughton-cum-Grange (St. Andrew's) Church (re-committed); Claughton-cum-Grange (St. John the Baptist's) Church (re-committed); Sheffield and Tinsley Canal; Brighton, Lewes, and Hastings Railway (Keymer Branch); Dundee and Perth Railway; Leeds and West Riding Junction Railways (re-committed); Yarmouth and Norwich Railway; Lowestoft Railway and Harbour.
3°. and passed:—York and North Midland Railway (Bridlington Branch); York and Scarborough Railway Deviation; Ely and Huntingdon Railway; Hull and Selby Railway (Bridlington Branch); Bristol and Exeter Railway Branches; Blackburn, Darwen and Bolton Railway; Whitby and Pickering Railway; Bedford and London and Birmingham Railway; Dunstable and London and Birmingham Railway; Lynn and Ely Railway.
Petitions Presented. By Mr. G. Hamilton, from several places in Ireland, for Encouragement to Schools in connexion with Church Education Society (Ireland).—By Mr. Tollemache, from several places, for Better Observance of the Lord's Day.—By Mr. Deedes, Mr. Forbes, Mr. Herbert, and Sir R. H. Inglis, from St. Lawrence, Thanet, and several other places, against the Grant to Maynooth College.—By Mr. Fellowes, from Huntingdon, and Sir R. H. Inglis, from Berks, against Union of Saint Asaph and Bangor.—By Mr. Arbuthnott, and Sir James Graham, from the Presbytery of Forfar, and the University of Glasgow, against the Universities (Scotland) Bill.—By Mr. Fellowes, from Huntingdon, for Relief from Agricultural Taxation.—By Mr. Loch, from Shipowners of Cromarty, for Reduction of Tolls and Dues levied by Lighthouses.—By Lord Ashley, and Mr. French, from several places, for Inquiry into the Anatomy Act.—By Lord Ashley, from Bridport, against the Colleges (Ireland) Bill.—By Lord A. Hervey, from Attorneys and Solicitors of Brighton, for Removal of Courts of Law and Equity to Inns of Court.—By Lord Ashley, from East Lothian, for Inquiry into the cause of Accidents in Mines and Collieries.—By Mr. Herbert, Mr. Pusey, and Mr. Tollemache, from several places, against the Parochial Settlement Bill.—By Mr. Deedes, from Ramsgate, and Mr. Oswald, from Glasgow, for Alteration of Physic and Surgery Bill.—By Mr. T. Duncombe, from Merchants of London, for Alteration in the Arrangements of the Post Office.—By Mr. Plumptre, from several places, for Alteration of Law relating to Promiscuous Intercourse—By Lord Ashley, from several places, for Diminishing the Number of Public Houses.—By Lord Ashley from Wheatley, and other places, for Alteration of Law relating to the Sale of Beer.—By Mr. Arbuthnott, from Parish Schoolmasters of Fourdoun, for Ameliorating the Condition of Schoolmasters (Scotland).—By Mr. T. Duncombe, from Charles Buckley, of Mason Street, Old Kent Road, for Alteration of Law respecting Waste Lands.

The New Zealand Company.] Mr. *Hope:* I beg to direct the notice of the House to a matter which, being of a somewhat personal nature, they will, I hope, excuse my directing their attention to it. The House may remember, that on the 2nd of May, I referred to the circumstances of the postponement of a Motion of the hon. and learned Member for Liskeard. I did so in this way—I said that the course was taken by him not at the request of the Government; that it was his own act, and the result of no compromise on the part of the noble Lord at the head of the Colonial Department with the New Zealand Company. A report has been officially promulgated by the New Zealand Company, by which it appears that some parties have drawn a different inference. I will state exactly what took place. The hon. and learned Gentleman postponed his Motion in the first instance, in consequence, as he stated, of having had some communication with Lord Stanley. I made no observation at the time, not being aware what had passed between them; but, in the course of the next day, I asked my noble Friend whether that postponement took place in consequence of any request on his part, or in consequence of any compromise being entered into with the New Zealand Company. My noble Friend assured me it was the hon. and learned Gentleman's own act, and that no compromise had taken place. In order that there should be no mistake in the matter, I sent the following note to the

hon. and learned Member for Liskeard, dated May 2, 1845:—

"*Colonial Office, May* 2, 1845.

"Dear Buller—As I did not know yesterday what had passed between you and Lord Stanley, I did not like to make any observations on what you said as to not bringing on your Motion relative to New Zealand on Tuesday next. I mean, however, to-night, or rather, before public business begins to-day, to state that it must be understood that all Lord Stanley has undertaken to do is, to give a deliberate and candid consideration to any proposal which may be made by the New Zealand Company to him; and I mean, also, to make it clear that the course which you have taken is your own, and not the result of any compromise on his part to avoid the discussion on Wednesday.—Yours, truly,

(Signed) "G. W. HOPE.

"C. Buller, Esq., M.P."

To that note I received the following answer:—

"(Private.)

"5, *Hare Court, Friday, May* 2.

"Dear Hope — You are quite right to do what you propose, and the words you have used in your note seem to me the very best to guard Lord Stanley, without any imputation on me or the New Zealand Company.

"Your's very truly,

(Signed) "CHAS. BULLER."

I think, therefore, the House will be satisfied, under these circumstances, that the statement I made respecting the cause of the postponement of the Motion of the hon. and learned Gentleman was correct.

Mr. *C. Buller:* I rise, under circumstances of very great embarrassment, to make a statement on a matter which involves private communications between the right hon. Secretary for the Home Department (Sir J. Graham), for whom I entertain a most sincere respect, and myself. I must say, that throughout the whole matter the conduct of that right hon. Gentleman has been the most friendly to myself personally, and his proceedings have been conducted in a spirit of the greatest fairness. I believe his sole object is to promote the public service; and I should therefore be exceedingly sorry that any statement of mine should be in any way annoying to him. I am not aware, however, that there is any ground for entertaining such an apprehension. Perhaps the House will allow me to state some circumstances connected with this matter. I had one or two interviews with Lord Stanley and the right hon. Home Secretary, and I proposed an arrangement by which I thought the affairs of the Colony of New Zealand might be satisfactorily settled. After an interview with the right hon. Baronet and the noble Lord, I sent Lord Stanley my proposal in writing in greater detail; and at the same time said that, as the Motion of which I had given notice was coming on on the following Tuesday, it was important that the Government should adopt some line of conduct by that time. A day or two afterwards the right hon. Baronet spoke to me on the subject. He said that Lord Stanley had received my second letter; but that he was sorry to say, there was a preliminary objection to entertaining my proposal at all—which was, that I had proposed in my letter, as a *sine quâ non*, that the proposal should come from the Government, and not from the Company. The right hon. Baronet considered that the proposal should come from the Company, and not from the Government. He also said, there was another obstacle to proceeding with the negotiation, which was my Notice of Motion standing upon the Books of the House of Commons; that, if they entered into the negotiation with that Notice standing upon the Books, it would seem as if they wished to avert the discussion of the question. He also said, that one of two courses must be taken—that the Motion must either be withdrawn or disposed of; and that it remained for me to determine whether I would withdraw my Notice of Motion or bring it on, have the discussion, and renew the negotiation afterwards. The right hon. Baronet was good enough to give me an assurance that my proposal would be considered in a spirit of perfect candour and fairness by the Government; and he begged me to state what had passed to the Directors of the New Zealand Company, and get from them a proposal to renew the negotiation in an official form. Upon this statement, that the arrangement we had proposed was under the calm and fair consideration of the Government, I told some of my hon. Friends and Colleagues in the direction that it seemed to me it would be most unwise in us to withdraw from a negotiation so happily commenced; that nothing ought to be allowed to stand in the way of an arrangement; and that, therefore, the Company should send in their proposal in an official form, and that I ought to withdraw my Notice of Motion. I could not suppose this could be construed into a compromise. My own inference was exactly in accordance with the state-

ment contained in the letter of the hon. Gentleman on the other side (Mr. G. W. Hope). I never imagined any person could construe such an arrangement into a shrinking on the part of Government from the discussion of the question; or that any one could suppose it to be a compromise entered into by the Government to get rid of my Motion. It was understood that my Notice of Motion was withdrawn, simply that the negotiation might proceed; and that if the negotiation was not brought to a conclusion, I should subsequently submit my Motion to the House. I must say, that the withdrawal of the Motion was my spontaneous act, in accordance with the wishes of my brother directors, to promote the progress of the negotiations. That was the impression which, as it appeared to me, the letter of the hon. Member opposite (Mr. G. W. Hope) conveyed. I therefore gave him the frank answer he has read, and which I thought he was justified in stating to the House. I am prepared to stand by that statement; and I say, that my Notice of Motion was not withdrawn at the request of the Government; but simply because I was determined that the chance of a favourable settlement should not be averted by adhering to the Notice, which, it was clear, was an insuperable obstacle. It was clear that the Government could not freely go on with the negotiation while that Notice of Motion was before the House; and I was induced to withdraw it simply from a regard to the interests of the Company and of the public, which were involved in the arrangement. Let me say one word more, as some remarks have been made upon the negotiation. The only assurance conveyed to me on the subject was, that the Government were prepared to consider the matter in a spirit of calmness and deliberation; and that Lord Stanley was not bound as to the decision he should adopt, but that after fair consideration he would decide as he thought proper. The arrangement which was proposed, after receiving the full consideration of the Government, has not come to a successful issue. I exceedingly regret it. I have heard the reasons for their decision—reasons which they consider to be insuperable. I do not agree in that opinion; but I must fairly and explicitly state, to prevent all misapprehension, that I have nothing to complain of in the conduct pursued by the Government on this subject.

Sir *J. Graham:* This conversation is, I believe, rather irregular; but, under the peculiar circumstances of the case, I may perhaps be pardoned if I ask the attention of the House for a few moments. I rise to corroborate every part of the statement made by the hon. and learned Member for Liskeard as to that portion of the transaction to which he has referred with which I was concerned. At the same time, I must say I think it an unfortunate circumstance that communications which take place privately between hon. Members of this House, should subsequently be made matter of public discussion. I do not say this from any personal feeling; but because I think that private communications on public affairs between Members of this House, even sitting on opposite sides of the House, should be entirely confidential, and that what passes under the seal of strict confidence should not be made public. My belief is, that these private communications, conducted with good faith, frequently facilitate the transaction of public business, and are conducive to the public good. I received last night, from a noble Lord a Member of this House, designating himself the Chairman of the Secret Committee of the New Zealand Company, a communication which I must confess greatly astonished me. That noble Lord states, that minutes were taken from time to time of all the conversations between the hon. and learned Member for Liskeard and myself; and that there was a fixed determination on the part of the Directors to publish these minutes; and all that was offered to me was an opportunity of writing to the New Zealand Company to contradict any portion of those statements with which I might be dissatisfied. There was no assurance that any remonstrance of mine would restrain the publication of these minutes; the only offer made to me was, that my letter should be published with the minutes. I have taken no note of those conversations; I conceived them to be perfectly confidential, as they have been treated by the hon. and learned Member for Liskeard. The frank and candid manner in which that hon. and learned Member made his statement relieves him entirely from the imputation of having any share in the transaction. I only wish to add one observation, in addition to those made by that hon. Gentleman, as to the origin of the negotiation. We chanced to sit writing at the same table, in the immediate neighbourhood of this House, immediately after the last debate on this subject. A conversation arose between us as to what had

occurred. This interchange of our opinions led the hon. and learned Gentleman to say that he would like to have a conversation with me elsewhere upon the entire case. I said, being a friend of Lord Stanley, and desirous if possible to promote an amicable adjustment of this matter with reference to all the interests concerned, I was quite willing to have another conversation with him. The hon. and learned Gentleman subsequently sought an opportunity of conversing with me, and out of that conversation arose the negotiation that subsequently took place. During the whole of that negotiation never did I contend on the part of the Government, that the progress of the negotiation should interfere with the discretion of the New Zealand Company, or of the hon. and learned Member, as to the course they might deem it expedient to take with reference to a discussion in this House. In fact, it was on the understanding that the negotiation should not preclude any such discussion, that I sanctioned it.

Mr. *Aglionby* said, in the absence of the noble Lord (Lord Ingestre) to whom the right hon. Home Secretary had referred, he might be allowed, perhaps, to say a few words. The right hon. Gentleman said he had received from that noble Lord, as the Chairman of the Secret Committee of the New Zealand Company, a letter referring to certain minutes kept by the Secret Committee, which were sent to the right hon. Baronet, in order that he might make any remarks he chose upon them before they were communicated to the shareholders. It would, of course, be in the recollection of the House, that a report appeared in the newspapers of that morning of what took place at the meeting which was held yesterday; but the minutes to which reference was made were not laid before the Directors. The minutes were merely kept for the use of the Secret Committee, and could not be used against the right hon. Baronet. The Committee were appointed by the directors as a Secret Committee to act during the negotiations, and as soon as those negotiations terminated, the Secret Committee were to report to the Directors for their approbation. In making that report they would, of course, be bound to state the grounds on which they might justify the reception or rejection of the proposition of the Government. The Secret Committee determined that minutes ought to be kept, and they took the statement of his hon. Friend the Member for Liskeard with perfect confidence, relying, as they implicitly did, upon his penetration, accuracy, high honour, straightforwardness, and simplicity of mind; in addition to this, he was bound to say that there was nothing in the conduct of the right hon. Baronet which was not perfectly consistent with the zeal which he always evinced in the public service, and the high character which he had always maintained.

Subject at an end.

GAME LAW CONVICTIONS.] Mr. *Hume* rose to put a question to the right hon. Baronet the Secretary for the Home Department, respecting the committal to prison and subsequent release of a man named Dean, who had been convicted in Berkshire of selling pheasants and pheasants' eggs. That unfortunate man, it appeared, had been committed to Reading gaol for four months. Now, he wished to know whether they had at the Home Office copies of his conviction? whether the right hon. Baronet had taken that conviction into his consideration? whether he thought it legal? and whether, in point of fact, the man had not been released?

Sir *J. Graham* said, that taking into consideration the consequences that arose out of convictions of this nature, it was a rule at the Home Office not to go into the merits of those convictions with any view to disturb them, otherwise than upon very special grounds, unless when it appeared upon the face of the proceedings that there had been allegations of distinct offences, when in fact there was only one, or when cumulative penalties were inflicted. The case to which the hon. Member referred had been gone into, and one month's imprisonment, it appeared, had been imposed upon Dean for one of the offences charged, and three months for the other, and fines imposed upon him, amounting in the whole to 10*l.* 11*s.*, which, if paid on the instant, would have relieved him from further imprisonment. As it appeared that he had been subjected to two terms of imprisonment, the Crown remitted one of them, namely, the imprisonment for one month.

Mr. *Hume* inquired if the right hon. Baronet had any objection to producing the record of the case?

Sir *J. Graham* said, that at the Home Office they had nothing except the conviction and the order for committal.

Mr. *M. Gibson* said, that the conviction was illegal—that the penalties were cumu-

lative and excessive. It appeared that Dean had suffered only one week's imprisonment, and that the public were indebted to the hon. Member for Athlone for his release, that gentleman having taken upon himself to pay the penalty. He thought that the buyers of poached game were greatly in fault, and that, instead of doing anything to prevent poaching, they were only too ready to encourage the supply of too great quantities of that sort of game.

Sir *J. Walsh* said he was not in that part of the country at the time when the occurrence in question took place.

Mr. *Horsman* observed, that there was a strong distinction between the case of a man taken in the fact of committing an offence against the game laws, and that of a man who merely committed offences, and was subjected to cumulative penalties in the manner that had happened in Dean's case.

Sir *J. Graham* said, that the man whose case had been referred to petitioned the Crown for mercy, and one portion of his imprisonment had been remitted.

Mr. *Collett* wished merely to state to the House that the man having been proceeded against in the name and at the suit of Prince Albert, he (Mr. Collett), entertaining strong opinions upon the subject of the game laws, wishing to see those laws relaxed, deeply commiserating the condition of the poor man who had suffered this injurious imprisonment; he, on the 24th instant, wrote the following letter to Dean:—

"I observe by *The Times* of to-day, that you have been sent to prison and to hard labour for four months, at the suit of Prince Albert, for having offered to sell some pheasants and some pheasants' eggs. As I disapprove of game laws, and of all proceedings under them, I will release you by paying the fine of 10*l.* 11*s.* if you will let me know how I can forward it to the proper quarter. Deeply commiserating what I consider an act of tyranny and injustice inflicted upon a poor man. I am, &c."

Subsequently, he sent down his servant to Reading, and had the money paid. Dean's daughter-in-law, when replying to his letter, stated, that the man who had been thus convicted of poaching was treated as a felon, that he had been placed in solitary confinement, compelled to wear a felon's dress, employed in picking oakum and pumping water, and that he could not eat the food which had been supplied to him. In *The Times* of this morning an article had appeared respecting Dean's imprisonment, and he intended to send to the editor the letter which he had just read, accompanied by one from himself.

Subject at an end.

Laws of Guernsey.] Mr. *Roebuck* rose to bring under the notice of the House a totally different subject. Some time since an occurrence took place in the island of Guernsey, in consequence of the conduct of the Controller General, a functionary whose office was somewhat analogous to that of Solicitor General in this country. It arose out of the case of a peculiar assault made upon a lady in that island. That lady subsequently made an application to the other law officer of the Crown, and thereupon the matter was brought before the Royal Court, and proceedings were taken at the instance of the Procureur General, when it was determined by the Court, upon the circumstances of the accusation, that the party accused had been guilty of no crime. In Guernsey, by rather a peculiar process, the whole matter went on in secret—it was a secret inquiry; and the Court having determined that there was no ground for a criminal proceeding, the complaining party was informed that she might bring a civil action. He wished to know whether the right hon. Baronet had any information to give the House on the subject—whether any steps had been taken by the Government to remedy the wrong, and to prevent its recurrence?

Sir *James Graham* had received from the Lieutenant Governor of Guernsey (we understood) a statement in substance the same as the hon. and learned Gentleman had just made to the House. That statement directly impugned one of the law officers of the Crown; it was referred to that law officer to give a full explanation of his conduct. At the present moment the accusation rested on the statement only of one party; the officer had not as yet obtained any opportunity of making an explanation; and he was sure the hon. and learned Gentleman, admitting the presumption of innocence in favour of an accused party, would wait until that explation had been given.

Mr. *Roebuck* said, there was an accusation also against one of the jurats, who were equivalent to judges in this country. He was a relation of the party criminated, and was charged with tampering with the judges.

Sir *J. Graham* said, the letter from the Lieutenant Governor contained two accusations; one against a law officer of the Crown, and another materially involving the administration of justice, which required more mature consideration on the part of the Government with respect to the means of remedy.

Mr. *Roebuck* observed, that the judge was removable by the Crown, and wished to know whether any inquiry had been made by the right hon. Gentleman?

Sir *J. Graham* replied, that the accusation appeared to him to embrace the large and entire question of the administration of criminal justice. A matter so grave and important, the hon. and learned Member would see, required the most careful consideration.

Subject at an end.

PRIVILEGE—PRINTED PAPERS.] On the Motion that the House on its rising should adjourn till Monday,

Lord *J. Russell*: Before the hon. and learned Solicitor General proceeds to move the Order of the Day with respect to the question of Privilege, I think it proper that I should make some inquiry of him as to the course he means to pursue, and state what has occurred to me, and to some friends of mine, Members of the Committee. The hon. and learned Gentleman, in the name of the Committee, presented a Report, which consists, I may say, of two parts; the one with regard to the levy of the execution which will take place on Monday next, as to which the Committee thought it necessary that the House should interfere without delay; the other part stating that the Committee have come to a resolution that it is advisable to proceed by a writ of error in the superior court. It does not appear to me that the first part of the Report presented to the House has any other object than to enable the House, if they so think fit, to interpose to prevent the levy of the execution on Monday next. With respect to the second part, namely, the advice to proceed by a writ of error, the Committee state that they wish to make a more detailed Report to the House. While I think the Solicitor General was justified, being called upon, in proposing that the Report should be taken into consideration to-day, I must express a hope that he will not proceed to move any Resolution as to the writ of error. I think that this is due to the Committee, who after spending a good deal of time in deliberation, made this Report to enable the House to take any steps they may think fit with regard to the execution on Monday. I think the House should take time till we meet again; and it will be for the advantage of the House in the matter of the writ of error, that we should have any detailed Report of information or argument which the Committee might make. My hon. and learned Friend the Member for Worcester, and my right hon. Friend the Member for Devonport, agreed that that course would be more desirable than that the Solicitor General should immediately propose, without further consideration, any Resolution to the House on this subject. I hope the hon. and learned Gentleman will consider this suggestion, and whether it be necessary to do anything more than move the postponement of the consideration of this Report to some future day, such as he shall think most convenient; which will allow any Member of the House who may differ from the Committee to propose any measure he may think necessary for the immediate interposition of the House to prevent the levy of damages on Monday next.

Sir *R. Peel*: I certainly think it was the impression of the Committee that it would be premature to call on the House to express an opinion on that important question, whether or no a writ of error should be moved for against the judgment. I think it would be very desirable that the House should have more notice before they affirm such a Motion; and also that the reasons which induced the Committee to come to that conclusion should be laid before us prior to taking any step which is not absolutely necessary. It was our duty to apprize the House of certain proceedings which might be taken possibly on Monday next, in order that the House might have the opportunity of interposing if they thought necessary. But with respect to whether they should interpose, I think it would be highly desirable not to come to that decision without further consideration.

Sir *T. Wilde*: It is choosing one evil less than the other, which is the only alternative. The House is placed in a situation in which it might either immediately determine or permit the plaintiff to levy his damages. It is certainly not desirable that the party should be permitted to levy damages until he obtains the full success of his suit. But the allowing damages to be levied, in no respect interferes with the complete validity of the writ

of error for the reversal of the judgment; and if that reversal take place it will be a judgment of restoration, calling on the party to refund all he has gained. I dare say the House will not expect that that judgment, if it be ever pronounced, should be very productive; but it has struck me as a very important point for the House to consider, that the disadvantage of allowing the party to levy his damages bears no proportion to the disadvantage of a hasty decision upon this question. I think the writ of error a proceeding of so much importance, that the House should be put in possession of the reasons of the Committee bearing on that step. I hope I am not acting improperly in saying that I entirely dissent from the propriety of that course; but I think it of the utmost consequence that the Report of the Committee should be submitted to the House before the subject is discussed.

Mr. *Roebuck* wished to ask his hon. and learned Friend this question. Suppose the money was levied by the execution, and no writ of error was brought, the House would be left without a shadow of remedy. If he understood his hon. and learned Friend, his opinion was, that as for their going into the Court of Queen's Bench, it was all very well, it was a mere service of notice; but if you had a writ of error in the Court of Exchequer, you admitted their jurisdiction, because you demanded a writ of error to say whether their judgment was wrong. So that he feared they would find themselves in this difficulty, that they would have allowed the officer to pay the money or to go prison, without remedy for the evil.

Sir *T. Wilde*: I will only notice what fell from my hon. and learned Friend with reference to the question of an immediate writ of error. It will be brought, of course, if the House determine it to be an expedient step to take, quite uninfluenced by the circumstance of the damages having been previously levied. The Act of Parliament, which recently passed to prevent writs of error being brought for purposes of delay, has enacted that no writ of error should be a stay of execution, except the party gives bail, undertaking to pay it if the judgment be affirmed; thus securing the plaintiff in recovering damages if it should be affirmed. A writ of error, unless, the judgment be stayed by express order of Court, on application made and cause of error shown—has consequently ceased to be a stay of execution. But a writ of error for the purpose of impugning the validity of the judgment, is not affected by the levy of the execution. The only evil is, that it is for the time an apparent acquiescence on the part of the House; but when it is understood that that is not a direct acquiescence, but merely a forbearance to act until time can be gained to consider the matter further, no misapprehension can arise on that ground. My hon. and learned Friend was in error if he supposed that I wished the matter to pass without discussion, or without its being in some way or other brought under the consideration of the House. But if it be discussed now whether the writ of error shall be brought or not, the House will be involved in a lengthy discussion without having the reasons of the Committee before it.

Mr. *Hume*: Sir, I am very sorry to differ from my hon. and learned Friend below me as to the proper steps to be adopted in the present state of the question. This House has implicated its own privileges by making an appeal on that subject to a court of law, which I always was of opinion, and always asserted my opinion, is not competent to deal with our privileges in any shape whatsoever. The House is now getting deeper and deeper into a mess. I say that notice ought to be immediately given of the determination of this House to punish severely whoever shall attempt to arrest or to levy an execution upon our officer. In what does this proceeding originate, Sir? In nothing less than in your warrant, which I shall take leave to read:—

"*Martii*, 4 *die Februarii*, 1840.

"Whereas the House of Commons have this day ordered that Thomas Burton Howard be sent for, in the custody of the Sergeant-at-Arms attending this House; these are therefore to require you to take into your custody the body of the said Thomas Burton Howard; and all Mayors, Bailiffs, Sheriffs, under Sheriffs, Constables, Headboroughs, and other Officers are hereby required to be aiding and assisting to you or your deputy in the execution thereof. For which this shall be your sufficient warrant. Given under my hand, this 4th day of February, 1840.

"Charles Shaw Lefevre, Speaker.
"To the Sergeant-at-Arms attending
the House of Commons."

Either this warrant is a legal document, or it is not. If it is a legal document—and I must be permitted to observe that it

has been so considered and obeyed for ages, without its authority being disputed —how is it that we are not now prepared to support the authority of the right hon. Gentleman in the Chair? We have succumbed once before; and why, may I ask, are we now called upon to go deeper into the mire? The Report on the Table of the House says, that, at a future period, the Committee will present a more elaborate Report for the guidance of the House. Why has that not been already done? The Committee has been sitting a week, and what possible reason can there be for this further delay? So far from any delay having been suffered to take place in coming to a Resolution as to some Motion asserting our privileges, I hope the House will order any attempt that may be made to seize upon the property of the Sergeant, to be most severely punished forthwith. If any one will draw up a Resolution to that effect, I will move it, and, if necessary, I will assist in executing your warrant. It will not be the first time, Sir, that I have personally assisted in promoting the ends of justice. I was the first to seize upon the person who committed an act of murder within the precincts of this place—I allude to the person who shot the late Mr. Perceval—and I kept him fast until a magistrate was found to whose custody he was delivered. I conceive, Sir, that every Member of this House is bound to act in the same manner; and, as you are authorized to call upon all magistrates and persons in authority to assist in carrying your warrant into effect, so I think you have a prior claim upon the assistance of the Members of this House in enforcing and upholding your authority. I am not readily disposed to quarrel; but I consider this to be a good cause, and, if we do not take care, we shall suffer indelible disgrace; and I, therefore, ask my hon. and learned Friend to lead the way in proposing a Resolution vindicating your authority, Sir, and I will readily follow him.

Sir *R. Inglis* begged to remind the hon. Member (Mr. Hume) that the question before them was, whether at its rising the House should adjourn until Monday next; and consequently the discussion was altogether irregular. The hon. Member had exhibited a considerable degree of warmth, and had shown a very praiseworthy readiness to vindicate by his own personal interference the authority of the Chair, and the privileges of the House—perhaps the hon. Member would even be so bold as to take the Lord Chief Justice into custody? [Mr. *Hume:* So I would, if he comes here.] Whatever course the hon. Member might be disposed to take, he would find ultimately that the House stood alone in its contest with the constituted authorities of the country, and that it claimed privileges which no other power in the kingdom ever pretended to assert; privileges which were utterly unknown to the Constitution, and incompatible with the liberties of England. He must, however, repeat the observation which he had made; namely, that the discussion was irregular under the present circumstances.

Viscount *Howick:* I think the hon. Baronet has not exactly understood the object of this discussion. If I understood my noble Friend the Member for London, he advised that the discussion on this subject should be postponed for the present, inasmuch as it was not necessary that there should be any discussion unless some Gentleman was prepared to move that some actual step should be taken towards resistance. My hon. and learned Friend near me, if I understood him, acquiesced in the proposal of postponing the discussion, not as the hon. Member for Montrose supposes, because he is prepared to depart from the course he formerly recommended, of requiring this House to defend its privileges, and not to trust to other tribunals, but to its own powers. Because, my hon. and learned Friend says, assuming that the House means to defend its privileges, we ought to have further time to consider what steps should be taken with that view. He sees the evil of allowing those damages to be actually paid; but he says it would be a less evil, and open to greater objections, to take any inconsiderate step. What I understand my hon. and learned Friend to say is this, that although we allow the damages in the first instance to be paid, still, if the House take his advice, excellent as I think it, and determine to maintain its privileges, it will be equally in our power to make the party who has received the damages refund what he has obtained, and punish all the parties who had assisted him in infringing the privileges of this House, as it is now to take those strong steps which may be necessary to

resist the levy of the damages. My hon. and learned Friend says it is inexpedient that we should take those strong steps to resist the levy of the damages, unless we are prepared, having embarked in that contest, to go through with it. On a former occasion we made the great, and, I am afraid, the fatal mistake of embarking in a contest which we had not the nerve to carry out. My hon. and learned Friend wishes to avoid the repetition of that fatal mistake, and, therefore, he says to the House, I do not counsel you to abandon your privileges; I still remain of opinion that you have the power, and it is your duty to defend them; but seeing what passed before, I advise you to postpone discussion on the subject. We admit it is an evil to allow damages to be levied; but still it is a less evil than taking any inconsiderate step. Allow damages to be levied; wait till the Report of the Committee is before you; and having seen that Report, determine deliberately what is the course you ought to pursue. In my view, the advice of my hon. and learned Friend is the best and wisest; and I will, therefore, also press the Solicitor General not to make any specific Motion on the present occasion, but to allow the Report to be taken into consideration hereafter.

The *Solicitor General:* I entirely concur in the view that it is expedient we should postpone the consideration of this question until we have before us a full and complete Report from the Committee to which we have confided the task of considering the present question, and recommending the course which ought to be adopted. The hon. Member for Montrose has asked why there has not been a complete Report presented to the House. He says, we have had ample time—a week—to prepare our Report. Certainly, if we had the advantage of the industry and diligence of the hon. Member for Montrose we might, by possibility, have been able to frame that Report; but we had it not. He is not at all aware of the infinite pains and research which are requisite to be employed before we can present such a Report to the House as would be satisfactory either to the House or to the Members of the Committee. And this I must say, that in the midst of numerous other important claims on their time, the Members of the Committee have been most faithful and diligent in performing the duty cast upon them by the House, and have been as expeditious in their proceedings as was consistent with propriety, and with a regard to what the House would expect from them. Under these circumstances, I certainly agree with the suggestion made from the other side, and I shall not propose any Resolution to be taken on the Report of the Committee. If any hon. Member thinks proper to say that the time has now arrived when it is necessary for the House to come to a decision, and will make a definite proposition for resisting the levy of the damages, it will be competent for him to propose a Motion, and the House may decide in his favour. But, for my part, I shall accede to the suggestion offered, and when the Order of the Day is moved, I shall most certainly move its postponement to Monday week.

Sir *T. Wilde* said, he wished only to say one word. He begged, hereafter, it might not be supposed that he had concurred in this recommendation of postponing the discussion, from an impression that there were no difficulties or objections in the way of permitting the execution of the levy. There were; but he said these were much less than in taking any inconsiderate step. The hon. Member for Montrose complained of the want of attention on the part of the Committee. Certainly, he could say that every hour the Committee sat they had had the benefit of his hon. and learned Friends the Solicitor General's attendance; and he would only say, for his own part, that he had allowed no private business to interfere with the duty of being present at its sittings.

Sir *R. Peel* thought the hon. Member for Montrose very ungrateful to the hon. and learned Members, who, in addition to their other labours, had devoted three or four hours a day to the consideration of this important question, besides other researches out of the Committee. He thought the hon. Member for Montrose had very unfairly imputed to the hon. and learned Gentleman opposite (Sir T. Wilde) a desire to shrink from the vindication of those privileges, on recommending a Resolution which he was aware was attended with difficulties. The hon. and learned Gentleman had not refused the Committee his powerful assistance in vindicating the privileges of that House; he had given them the advantage of his extensive learning in their deliberations, and when a re-

commendation was made from which he dissented, he made suggestions which might mitigate the evils he apprehended. He acknowledged with gratitude the value of the hon. and learned Gentleman's assistance.

Mr. *C. W. Wynn* said, it was only due to the Committee to say that they applied themselves to the consideration of the subject before them at the earliest moment after they were furnished with the necessary papers. It was impossible for them to offer any opinion upon the question before them until they had the Speaker's warrant and the pleadings, together with the judgment of Court. They met at the earliest possible hour—12 o'clock—and sat up to the latest moment allowed for their proceedings. He did feel it due, in particular, to the hon. and learned Member for Worcester, to say, that he had not only shown great generalship in the mode of dealing with the question, but, also, that he had devoted a considerable portion of his time out of the hours of the Committee most usefully to promote its objects. He entirely concurred in the propriety of the course recommended to the House, namely, of not coming to a decision under the present circumstances of the case. But, at the same time, if any hon. Member thought that the House ought, before Monday, to come to some resolution to resist the levy threatened upon their officer, the present was the time for adopting that course. But, if the House should act otherwise, it would be probably the better course, as then the Committee would have had time to furnish them with a Report containing the precedents and other materials requisite to enable them to come to a right and becoming decision.

Mr. *Hume* said, in explanation, that he was the last man in the House disposed to cast any blame upon the Committee, or upon his hon. and learned Friend below him; but the question had appeared to him to be of the simplest nature as regarded the privileges of the House, namely, whether they were prepared to defend or to abandon them? The hon. and learned Member for Worcester was, in particular, the very first man who advised the House not to take that course which they had since had so much reason to regret. His own mind, however, was made up. He only blamed the hon. and learned Member for having recourse to expediency, instead of meeting the difficulty boldly. He did not think the Committee were the best judges of the proper course to be taken, and therefore he should move, as an Amendment on the Question before the House, the following Resolution:—

"That the House will deem it a high breach of its Privileges on the part of any Person, who shall dare to levy Damages upon one of their servants for having obeyed the Speaker's Warrant."

In taking this course, he begged to say, that he should be extremely sorry to be supposed to be doing anything which would not tend more to maintain the privileges of the House, than would be effected by again pleading to the action in the form of a writ of error.

The *Speaker* suggested to the hon. Member the propriety of suffering the Motion before the House to be disposed of, and of bringing his Resolution forward as an Amendment upon the Motion, when the Order of the Day for considering the question of Privilege was read.

Motion agreed to.

House at its rising to adjourn until Monday.

On the Order of the Day being read for the further consideration of the Report of the Printed Papers Committee,

The *Solicitor General* moved, that the further consideration of the Report be postponed until Monday week, June 9th.

Viscount *Howick* said, that before the hon. Member for Montrose brought his Resolution forward, he would suggest to him the propriety of listening to the advice of the hon. and learned Member for Worcester. If the Resolution were put, and a division ensued, there were no hopes of its being carried. If there were, he would heartily join in it—no one sooner. But as it was not probable it would be agreed to, nothing but mischief would result from moving it.

Sir *T. Wilde* said, that if the Resolution of the hon. Member was put and negatived, how could the House hereafter punish any persons for doing that which they deliberately refused to interfere in preventing from accomplishing?

Lord *J. Manners:* For the very reason assigned by the hon. and learned Member for Worcester, I hope the hon. Member for Montrose will persevere in pressing his Resolution to a division.

Mr. *Hume* was perfectly well aware that there existed in that House a party

whose wish was to destroy all their ancient privileges; but the time was come at which they must interfere to vindicate those privileges; and therefore, in conformity to his determination, he begged to move as an Amendment on the Motion before the House the following Resolution:—

"That this House, adverting to the Resolutions heretofore passed, resolve that they will deem all Persons guilty of a Breach of its Privileges who shall act in the levying any Execution upon the Judgment which has been obtained in the Cause of 'Howard against Gossett,' referred to in the Report presented to this House yesterday."

Mr. *Roebuck* seconded the Resolution.

Mr. *Blewitt* said, there were two ways of proceeding in the case, one by sending the Officer of the House with a proper authority to notify the consequences of further proceedings to the parties, the other by issuing a warrant from the Chair for the apprehension of all who should venture to take any measures against their office.

Viscount *Howick* still remained of opinion that it was of such extreme importance that the House should not pronounce any opinion upon the question at present, that he begged leave to move that the debate be adjourned to Monday week.

The question of Adjournment having been put,

Sir *R. Peel* said, that until the noble Lord's Amendment were decided, they could come to no decision upon the real question. It was not competent for them to move the previous question upon that Amendment. The question put was, that the words proposed to be left out stand part of the question. If that were affirmed, they would be in the same position as if the question were put upon the hon. Gentleman's Motion. The effect of the hon. Gentleman's Motion, and the noble Lord's Amendment, would therefore be the same.

Mr. *Labouchere* agreed with the right hon. Baronet that, technically speaking, there was no distinct difference between them; but (said the hon. Gentleman) regarding the impression upon the public there will be a difference, and to that impression I attach great importance. Those, who, with me, are anxious to maintain the privileges of this House, have already suffered extremely in the struggle by misapprehension on the part of the public. There would on that account, I conceive, be a serious danger to the public generally, if we refused to agree to the Motion of the hon. Member for Montrose; and I, for one, am not prepared to agree to it. If we negative it, the public generally will feel that the majority of this House refuse to assert that those who are concerned in these proceedings against the Sergeant-at-Arms are guilty of a gross and flagrant breach of the privileges of this House; and yet, I apprehend, that the majority of the House are still of opinion that by those proceedings all our privileges have been invaded. [Mr. *Roebuck:* Hear.] I know that by that cheer the hon. Gentleman means to say that this is the time to defend them. I am as anxious as any one that they should be defended and protected; but if you wish to conduct the contest to a successful issue, you must engage in it with circumspection, as well as act with firmness when in it. It should not be lightly entered into, and when entered into not lightly departed from. I merely wished to state my reason for considering that, circumstanced as the House now is in reference to the whole case, it is not advisable at the present moment to come to a decision upon the Motion of the hon. Member for Montrose; lest, by doing so in the negative, an impression might be created upon the public that the majority of this House are not prepared to adhere to the opinion, that the conduct of the Courts of Law in the case is at variance with the essential privileges of this House.

Sir *R. Inglis* said: Although no one can differ upon this question more widely than I do from the hon. Mover and Seconder of the Motion, I nevertheless feel myself bound to say, that I consider the present the only time when they, and those hon. Gentlemen who think with them, can act consistently with the opinions which they entertain upon the subject. If they do not take the sense of the House now, but wait for three days to elapse, when the act of which they complain shall have been perfected, it is idle for them to talk of opposing it. I do not hold, with my right hon. Friend who last addressed the House, that its privileges have been violated; but those who do so contend ought not to shrink from the maintenance of those privileges, but follow the course proposed by the hon. Mover and Seconder of the Motion. I differ from them, and am prepared to oppose the Motion; but with all respect I must say, that they, and

all other maintainers of the high prerogative of this House, will stultify themselves if they allow a verdict to pass against them without an effort in the exercise of what they conceive to be their legitimate functions to avert it. If they suffer the writ to be executed on next Monday, it will be idle for them on the Monday following, when the cause of action shall have ceased, to come down to this House, and show themselves grandiloquent and courageous. It will be mere verbiage on the 9th of June to talk of what they ought to have done on the 30th of May. If you wish to commence a warfare against the law authorities of England, now is your time. If the sentence of the House is to be pronounced upon this subject at all—a step which I deprecate, I must, in justice to those who think differently from me, say, that this is the time for it; and not ten days hence, when the act complained of will have been completed.

Mr. *Roebuck:* I will not, Sir, be led away from my purpose by the "prudent course which the right hon. Gentleman (Mr. Labouchere) has advised. I am not influenced by that advice, but I am influenced by the state of the case; and when he says that we are about to come to a hasty decision, I would ask him how often has this question been discussed? Is there, Sir, a human being in the country, or a Member of this House, who has at all thought upon the question, that has not already considered it from beginning to end, and is as well prepared to-night to come to a decision upon it as he could be on Monday, with the assistance of the "learned" Report of the Committee? Sir, this question goes deeper than at first appears. The hon. Baronet opposite, and noble and right hon. Gentlemen on the same side, oppose the privileges of this House—and why? So long as this House was merely the representative of a small portion of the aristocracy, no one stood up for its privileges more eagerly than the high Tory party; but the moment we come to represent the people, or to be something like a representation of the people—the noble Lord (Lord J. Manners) shrugs his shoulders—of course nothing is more contemptible than the representation of the people—but the moment this House comes to represent the people, that moment are its privileges decried. I say, then, now is the time to uphold them. I am prepared to pit this House against the Court of Queen's Bench. From its earliest existence to the present day, the Court of Queen's Bench has been the supporter of all that is bad, tyrannical, and despotic in the government of this country. [*Dissent.*] I am borne out in saying so by the history of the country. Looking back to the time of Hampden, when a cringing and unprincipled Judge wished to satisfy the despotic view of the Government of the day, who stood out for the liberties of the country? This House. The hon. Baronet the Member for the University of Oxford is just the man I should expect to oppose the privileges of this House now; but would he do so if Jack Wilkes were in the case? No, he would then be the first to maintain them. With the changes from an aristocratic to a popular representation, came this system of constantly decrying the House of Commons. We feel and understand, and the people out of doors will feel and understand, that that means a decrying of the representation of the Commons of England. You are prepared to pit us—I do not speak of myself—but you are prepared to pit this great body, representing the commonalty of the country, against the smallest, paltriest authority—you would have us, in obedience to the rule of every petty court in the country, having a prescriptive right, to "'bate our breath with whispered humbleness." The Court of Queen's Bench can bow to the Royal Court of Jersey; but let the Representatives of England say that a person shall be brought to the Bar of this House in the custody of the officer of the House, and the Court of Queen's Bench rises in all its majesty, and demands to know who are the House of Commons? The Royal Court of Jersey is a constituted authority; but the House of Commons nothing—nobody. I would ask, in return, what business the Queen's Bench has to interfere with your jurisdiction? It was plainly stated to that Court that this high and superior Court chose to bring the plaintiff in the action to the Bar, by an order given in all its form of expression through its officer, the Speaker, to its second officer, the Sergeant-at-Arms. The Queen's Bench says, "We are not aware of that, and must know why the House of Commons so decided." I say the House will demean itself, and forfeit all those privileges it is entitled to as the representa-

tive body of the kingdom, if it yield to that demand. I am prepared to carry this matter out. I cannot suppose that the Queen's Bench will send its Chief Justice to levy this penalty; but whether it levy it or not, you should bring him to the Bar of this House. If you do not, your privilege is gone. Suppose the times altered, and that there should be upon the Bench some Judge desirous of carrying out the despotic propositions of a despotic Sovereign? Suppose the House of Commons to come into collision with that Chief Justice—see in what an abject position it will be if you fail to maintain your privilege on this occasion. We all know the value of a precedent in this country. [An hon. *Member*: The Chief Justice is a Peer.] I am not speaking of Lord Denman; I am speaking of the Court of Queen's Bench. If the Chief Justice should even happen to be a Peer, we have a way of coming at Peers just as well. Let the hon. Gentleman get himself made a Peer, then commit a breach of privilege against this House, and I shall soon show him how he is to be got at. But if we yield in this, we yield in everything; and so far I differ from my hon. and learned Friend the Member for Worcester, although I believe he goes with me in all the other opinions I have expressed upon the subject. But, supposing we bow to this decision, and suffer the writ to be executed, and supposing the Sergeant-at-Arms to have no domicile and no goods to levy upon, then they take his person. I do not go so far as to suppose that they would come here to arrest him; but he was liable on his way to this House to be seized by the catchpole of the Queen's Bench and taken to prison, in spite of the orders of this House, and in spite of your protection, Sir, and that mysterious instrument, the mace. The officer of the House of Commons, of the representative body of the people of England, for having acted in obedience to the commands of that House, is taken to prison—he is gone, and with him your honour and your power, for you thereby confess your inability to defend your own servant when acting in obedience to commands which he would not have dared to refuse to excute. Well, the Queen's Bench seizes him by the neck, and takes him to prison. What follows? The Solicitor-General then comes down to this House in great amazement to know what we shall do. I should like to see the face of the hon. and learned Gentleman on such an occasion. He would, no doubt, call upon us to wait until Monday week, and beg of us, for God's sake, not to proceed hastily. But according to the supposed case I have put—and I have a right to suppose it—your officer is all the while in prison; this House is degraded, not only in the eyes of the country, but of Europe, and, having lost its privileges, sunk to the condition of a secondary court. We should not then be the same House of Commons as in olden days, when we ruled everybody; ["Hear, hear!"] ay, and we ought to rule everybody. I see by the face of the hon. Member for the University of Oxford, that if it were the case of Ashby or of John Wilkes, the House of Commons would then be regarded by him as the great bulwark of the liberties of England; but being constituted now of the Representatives of the people, and not of a fraction of the aristocracy, he is prepared to place its privileges at the mercy of the Queen's Bench; a Court which owes its existence to a Royal breath. I know well the education of a lawyer. I know well their past history, and I must protest against their being put up against the House of Commons, when the House of Commons has become the Representatives of the people. It is on these grounds that I stand at once in the breach. I say now is the time for action. If you do not act now, your case is at an end, your power is gone, and you are no longer what you pretend to be, the Representatives of the commonalty of England.

Sir *J. Hanmer* said, that if they were at the beginning of the question he should be more disposed to agree to the course recommended by the hon. and learned Gentleman; but after the steps already taken, he thought it behoved them to act with great caution and deliberation. He should therefore vote for the adjournment of the debate.

Mr. *Warburton* said, if he could anticipate from the Report of the Committee that the Committee would ultimately recommend that resistance which the hon. and learned Gentleman the Member for Worcester on a former occasion had so ably recommended, and which he thought the Committee ought to recommend, he

would then accede to the proposal of the hon. and learned Member for Abingdon. He only said these few words to justify the vote he was about to give.

Mr. *Disracli:* Sir, the hon. and learned Member for Bath has said, that hon. Members on this side of the House are opposed to the alleged privileges of this House, because its Members are now the Representatives of the people of this country; and then, with extreme inconsistency, he asks where would public liberty have been if Hampden had not risen in this House to vindicate its privileges? Why, Sir, the House of Commons of those days was as aristocratic an assembly as any which existed before its late reform. The House of Commons of the time of Hampden was not then elected by a constituency greater or more numerous than it was before the more recent reform of this House; and I cannot understand how the hon. Gentleman can impute to hon. Gentlemen on these benches that they would have wrongly vindicated the privileges of the House of Commons when it was aristocratic and before the recent changes, and then appeal to the name of Hampden as elucidating the great importance of vindicating the privileges of Parliament. Sir, there may have been times when judges were corrupt, and the hon. and learned Member is the last man to deny that there have been times when Parliaments were corrupt; there may have been times when judges were tyrannical, but the hon. and learned Member will scarcely dissent from the assertion that there have been Parliaments which have been tyrannical also. The hon. Gentleman says, that the privileges of this House ought to be defended, because they carry with them the sympathy and the affections of the people of this country; but let the hon. Gentleman see the Chief Justice of the Court of Queen's Bench committed to the Tower, and he will soon be able to discover whom the affections and the sympathies of the people of England do indeed rally. Sir, the difference between the privileges of Parliament and the privileges of the House of Commons has been often shown; and the people of this country do discriminate between Parliamentary privilege and the alleged privileges of one branch of the Legislature. I need not, upon the present occasion, advert to the instances in which the House of Commons, at different periods of its history, has exercised its power; sure I am that the hon. Gentleman can bring forward no case of corruption or of tyranny on the part of the Court of Queen's Bench which will not find a parallel in the tyranny and injustice of the House of Commons. But, Sir, these are not the considerations which ought to influence our decision upon the present occasion. The hon. Gentleman, however, has intimated that Gentlemen on this side of the House are opposed to the privileges of the House of Commons, because this House is now the representative of the people; while he admits, at the same time, that the exercise of these privileges, in the most aristocratic period of this assembly, has ever been the bulwark of the liberties of the country. I agree with the hon. and learned Gentleman in one of his statements. I agree with him, that the opportunity has arrived, and, I believe, the last opportunity, for trying the great issue which we have so long evaded. I do not understand how any one Member of this House, whatever his opinions on the main question may be, can say, that he has not had the requisite time for consideration; and yet hon. Gentlemen speak of this question as having come suddenly upon us, as a falling star, amidst the serene atmosphere of Parliamentary discussions—as a comet, the course of which has not been ascertained, and the arrival of which has been quite unexpected. Why, Sir, ever since I have had a seat in this House, now for some eight years, the subject has been at intervals before us, and upon every occasion you have evaded a definite conclusion. The system of procrastination, and of avoiding the difficulty, has been invariably pursued; but, though you have postponed the evil day, you have been now brought to that extreme point which has been always foreseen, and which cannot now be avoided. It is impossible to say, after the judgment of the Court of Queen's Bench shall have been vindicated under circumstances the most ignominious to this House—it will be impossible to pretend that the opportunity will still remain of trying the justice or propriety of that judgment; and when the right hon. Gentleman the Member for Taunton (Mr. Labouchere) enforces the advice he has given us, by a deference to public opinion, I will only ask what that public opinion will be after the judgment of the Court of Queen's Bench has been vindicated upon the property and the

person of the Sergeant-at-Arms? The people will not make these subtle distinctions. They will see that an injured subject of the Crown has appealed to the Courts of Law; that the Courts of Law have vindicated his rights; and that, although there have been ostentatious declarations against him and the Courts, he has succeeded; and the right of the man himself will be inferred from this termination. For myself, Sir, I believe, that these alleged privileges of the House of Commons are not necessary; on the contrary, I believe that they are injurious to the liberties of the people, and I shall not deplore the result which the hon. Gentleman anticipates. I find that the advocates of these privileges always evade a definition of them. Do they mean that the House possesses and can execute an unlimited and irresponsible power? If we adopt the dogma of the hon. Gentleman, we must declare that there is a supreme power centered in this House. Is that your view of the Constitution of this country? Is that your view of what will be acceptable to the people of this country? For myself, I do not see any wish on the part of this country to have a supreme and irresponsible power exercised by this House; and I do not see the desire increased on the part of the public to see this House exercise any more extended power since that reconstruction and reform which, according to the hon. Gentleman, has made us the Representatives of the great body of the people. Every time a contest has been threatened, even in a partial manner, the public sympathy has been rather with those who have appealed from the House of Commons to the tribunals of the country. These feelings and these sentiments do not exist, as the hon. Member for Bath alleges, because those who take an opposite course in this House are the Representatives of the great body of the people; but they arise from an inherent and profound sentiment among the great body of the people of this country in favour of maintaining the majesty of the law of England. The people may have suffered from corrupt and tyrannical Judges; but they cannot forget that they have also suffered from corrupt and tyrannical Parliaments. I do not believe that they enter into any minute considerations of the whole question; they do not enter into any great historical research, but they associate this question with that administration of the law in this country for the last century and a half which has made the law the best security for public liberty. These I believe to be the sentiments out of doors; and I only rose to repudiate, on the part of those who sit on these benches, the notion that in the opposition we offer to this alleged privilege of the House of Commons, we wish to oppose the popular sentiment, or the exercise of a privilege which is in accordance with popular feelings. The hon. Gentleman has supposed the case of corrupt Judges, and of the Court of Queen's Bench presided over by persons desirous of subverting public liberty; but I may suppose a Parliament—not such a Parliament as we now know, free from faction, and where no party bias prevails—but I may suppose a Parliament in which the state of parties may be very different from what it now is—a Parliament which may choose to wield this supreme and irresponsible authority in the most objectionable and tyrannical manner. I have a right to suppose such a case as a parallel to that of the hon. Member for Bath; but we ought not to decide this question on either supposition. The real question for Parliament to decide is, whether the House of Commons shall exercise supreme and irresponsible power, or whether the majesty of the law of England, as explained by the Judges of the land, shall be upheld as paramount.

Mr. *Fitz Roy Kelly* reminded the noble Lord the Member for Sunderland that the course which his hon. and learned Friend the Solicitor General had proposed, was adopted at the express suggestion of the noble Lord the Member for the city of London. That suggestion for a postponement had been acceded to, and then came the Amendment of the hon. Member for Montrose; and following that the proposal of the noble Lord to adjourn the discussion until Monday week. He must call back the attention of the House to the position of this question. The origin was, that a subject of this realm, Mr. Howard, had commenced an action against the Sergeant-at-Arms. It was then open to the House of Commons to take whatever course it thought best to vindicate its privileges; but, with all the information before them, the House had deliberately authorized the Sergeant-at-Arms to appear and plead to the action; and the consequence was, that they submitted to the Queen's Bench the question whether the act of their officer

was lawful or not? That mainly depended on the question whether the warrant on which a subject of the realm was imprisoned was legal or not? The question was most ably argued by his hon. and learned Friend the Solicitor General; and the judgment of the Court had been against the act of their officer. It became, then, a question of transcendent importance to determine what course they should pursue, that due respect might be manifested for the law of the country on the one hand, and that, on the other, the undoubted privileges of the House should be vindicated. This question could not, without injustice, be discussed prematurely, nor decided till after long deliberation and much consideration. It had therefore been referred by the House to a Committee; and it was necessary, for the interests and the dignity of the House, that it should be postponed. They would even enter upon it now at a disadvantage. His hon. and learned Friend the Member for Worcester had conclusively shown that no real mischief could arise from the delay. If they determined to bring a writ of error, it might be as effectually brought on Monday week as at present. The worst that could happen would be that the money would be paid. If they appealed to the Exchequer Chamber, and it might be to the House of Lords, and if the judgment of the Court of Queen's Bench were reversed, they might recover back the money. There was no suggestion that Mr. Howard would be unable to pay the money; but, even if he were unable, of what importance would it be to the House of Commons, or to the people of this country? They would have vindicated their privileges.

Sir *T. Wilde:* Sir, I own that I entertain no doubt of the propriety of the advice I offered the House before I heard the speech of my hon. and learned Friend; but if I had hesitated, the speech of my hon. and learned Friend, and the part he has taken on this subject, would have led me to doubt, upon this occasion, the wisdom of the advice I have offered. My hon. and learned Friend has said, that when it was communicated to this House that an action had been commenced, it was put deliberately to this House whether they should appear and plead. I know not whether he was in the House at that time; but if he were, he would have heard on the part of those who advised the House to that course, a statement that, by appearing and pleading, they would not submit the privileges of the House of Commons to the Court of Queen's Bench. It was stated that the House could plead consistently with its privileges; that it had only to come to the Court of Queen's Bench and say that their officer did this by their warrant, and it would be sufficient. On that advice, against all caution—against the caution of the right hon. Baronet, who asked, "Who will undertake that the Court of Queen's Bench will not criticise our warrant?"—against that wholesome caution, against that sagacious prophecy, the House did agree to plead. The House did it on the assurance that it would not do what the hon. and learned Gentleman now says it has done; and that is the reason why we are now so greatly embarrassed. The vote was come to against my protest, but on that assurance the House pleaded; and when my hon. and learned Friend says, "Let the execution be levied," I cannot but believe that my hon. Friend was absent from the division on the former occasion. If he were not absent, we might have expected that, as a Member of this House, and as a friend of the Constitution of the country, his aid might have been afforded in disabusing the House of the error into which it has fallen from following the advice of those who said that by pleading we should not submit our privileges to the judgment of the Court. I regret that, from the beginning to the end of this case, the House has not had the advantage of the talent and of the great ability of my hon. and learned Friend. I say it respectfully; but he has withdrawn from this House the protection of his talent and his learning; and I mention this because the House ought to be cautious in listening to his advice. It happened, when the Sheriffs were in custody, that I was sent for to the Bar of the House; and Mr. Under Sheriff France told me that they were prepared to submit themselves to the House, and asked what they should do. I declined to give any advice till they should fully have considered these matters, and till they had fully made up their minds to submit. Mr. France said that they had done so, and would therefore be obliged to me to tell them the best way of proceeding. I retired for a short time, and prepared a petition with a view to their submission and release; and when I returned I learned, according to their statement and impression, that my hon. and learned Friend had advised them not to submit. The House

will be cautious in the reception of any thing I may urge, because I have taken so strong a view on this subject; and I do hope that it will be equally cautious in listening to the advice of my hon. and learned Friend, who has taken as warm, if not a warmer part, and who has the merit of having been the voluntary counsel for arguing this question against the House of Commons. Therefore, my hon. and learned Friend and myself are at opposite sides; and the House will hear us alike with great caution. I differ from my hon. Friend in regard to now proposing his Resolution; but if he could carry it, I would support him to the utmost of my power. Whether it is judicious to bring it forward as to time is another matter. I know very well that the House was told they are not to commit their privilege by appearing and pleading, and that afterwards they were told, you have, by doing so, put yourselves in the Court of Queen's Bench, and ought not to complain of its decision: and if the decision had been in your favour, you would have been content, and treated the Queen's Bench as a great constitutional Court; but because the decision is against you, you object to it, and seek to exercise your own powers. We ought to stop the levy of the execution—that is a step we ought to prevent. I deprecate above all things the bringing of the writ of error; but I admit that it would be a sad step to allow the levy of the execution. I know but one worse; and that is, that the House should now by a Resolution, either negative or affirmative, go back to proceedings already taken. I think, with the hon. Member for the University of Oxford, that this is the last occasion, in all probability, when you can discuss this question with anything like advantage to it as it now exists. I congratulate myself upon the belief that when a great occasion arises, when the House is intercepted in the exercise of its proper functions, it will cut through, as through a cobweb, all you have done—I beg pardon for saying so—to degrade the House, and to destroy its authority and public usefulness. It is a surrender of the constitutional authority of this House, and with that its usefulness, with that its place in the Constitution; and it deprives the people of England of advantages for which they can receive no compensation. If the hon. Member for Montrose had a chance of carrying his Motion, I would support it and vote with him; but I lament very much that the chances are that he will be put in a minority. At the same time do not let the House think that no evil would arise from the levying of the execution; the evils of such a course may be great, but they would not be productive of half the evils of the Motion of the hon. Member being put and negatived. I trust that I should be able to convince many hon. Members that the judgment of the Court of Queen's Bench, if that were the Motion, is erroneous in every part, and that the puerile criticisms on the warrant of this House are entitled to no respect. I believe the warrant good beyond the severest criticism that could be applied to it; and that the test applied, namely, that it ought to be judged by certain rules laid down in the lowest Courts of Common Law as to magistrates' warrants, is wholly insupportable, and highly derogatory to the dignity and usefulness of this House. It is contrary to law. There is a barrier to every law. Parliamentary Law is regulated by Parliamentary Law, and not by Common Law. I care not whether there were a few more words or less in the warrant than in former warrants; no man could read it without discovering the intention of it upon the face of it. It was, that the party was ordered into custody, and that the Sergeant-at-Arms was to take him—whither? To the place to which he was sent for to come. I will not go into that now. I think the Queen's Bench is decidedly wrong in the test it applied to this warrant, as to whether it was good or bad. The question to be put to that Court is, Have you a right to examine and pronounce upon the warrant or not? Would you examine a process of the Court of Common Pleas? You would not. Neither could the Court of Common Pleas examine yours. Above all, a Parliamentary process is to be judged of by Parliamentary rules, and they are not rules judicially known to the Common Law Courts; it is wholly out of their jurisdiction. But they have greatly erred in the judgment they have pronounced, not only in presuming to apply the test they have, but in the application of that test. I trust that, unless my hon. Friend sees some chance of carrying his Motion, (which, if he does carry, he will be the best friend England has had for some time, and I should rejoice in it;) but unless he should succeed he will only add something like an affirmance or assent to the levying of the execution, which will hereafter be productive of the greatest inconvenience; although my hon. and learned

Friend sees no evil likely to result from the levying of the execution.

Mr. *Fitz Roy Kelly*, in explanation, said that with respect to the opinion he had given as to the question, Whether the Sheriffs were to submit to the House of Commons, and refuse to execute the writ? His answer was, that if the Sheriffs, whether under the protection of the House of Commons or not, refused to execute any writ emanating from the Court of Queen's Bench, they would be liable to an attachment, and to remain in prison until they executed the writ. He denied that he had volunteered as a Counsel in the case; he had received a retainer just as he might in any other case, and had argued the question according to his opinion of the law; but he came into that House perfectly free to form an independent opinion, and to do his duty as a Member of that House; and he hoped he should do so until the question had ceased to exist.

Mr. *David Dundas* thought his hon. and learned Friend (Mr. Kelly) attributed more to himself than he was entitled to assume. He did not think it possible that any Gentleman could take a retaining fee for the advocacy of a particular view of a case, and then come into that House and declare that he was at liberty to do his duty as a free and independent Member of Parliament. He (Mr. Dundas) had the honour of being a member of the Bar, and he was prepared to say that no member of the Bar, being a Member of Parliament, ought to take a brief to support any cause that was in contravention of the privileges of that House. One to whom the House had a right to look for his distinguished services in support of its privileges ought to have been, on that very account, the last to take up a position which rendered it impossible for him to give his good services as a Member of Parliament to the upholding of those privileges. These were his (Mr. Dundas's) private sentiments, and he knew that they were shared in by many. He rose principally to meet the observation of the hon. and learned Gentleman, who said that he was free to give his best opinion upon this subject, uninfluenced by any circumstance, and to say that in his (Mr. Dundas's) judgment the advice of the hon. and learned Gentleman was neither safe for the House to receive, any more than it was fair for him to give. It was said that by allowing an appearance, and a pleading to the action, the House of Commons had submitted its privileges to the jurisdiction of the Court of Queen's Bench. He denied that. He denied that the House of Commons either intended to submit its privileges to the decision of any court of law, or that it had in point of fact, by adopting the course recommended by wise and prudent persons, done so. It was true that the House of Commons told the Law Officers of the Crown to defend the action, as was formerly done in the case of Burdett v. Abbott; but he denied that either then or now the House of Commons gave up to the Court of Queen's Bench the power of deciding upon its privileges. He was opposed to the Motion of the hon. Member for Montrose. What would be the consequence if it were carried? The Sheriff's officer would levy on the Sergeant-at-Arms. What then would happen? It would be voted to be an attack upon the privileges of the House. He would advise that the House should maintain themselves where they were. Nothing was so bad as to show a bold fight, and then to shrink from it. What would happen? The officer levies: were they to stand by and do nothing? What were they to do then? They must lay the officer by the heels. That, however, would be but an impotent revenge. He was a very unwise and rash adviser who recommended a superior court, like the House of Commons, to seek counsel from an inferior one as to defending its privileges; and more especially was he unfit to be consulted who should represent the present state of affairs as having nothing dangerous in its aspect. The matter before the House was, in fact, merely a choice of evils. He felt that it would be a very severe blow, if even it were suspected that the House of Commons were shy as to defending their own privileges. He thought it would be the safer and better course to follow the council of the noble Lord the Member for Sunderland, and guard themselves from the danger of giving a vote upon the Motion of the hon. Member for Montrose. Under these circumstances, he should vote for the Amendment of the noble Lord, unless the hon. Member for Montrose should (and which he might do without the least discredit to himself) withdraw his Motion.

The *Solicitor General* thought it impossible for the House to escape from the necessity of coming to a determination as

to whether it was proper or not for the House to exercise its authority in respect to the judgment which had been obtained against the Sergeant-at-Arms. He was bound to declare that he coincided in the opinion which his hon. and learned Friend (Sir Thomas Wilde) had pronounced as to the propriety of the judgment of the House, and the validity of the warrant issued by the Speaker. He went the full extent of saying that whether the warrant was to be considered as the act of the Speaker only, or as a warrant emanating from the House, he had not the slightest doubt that the warrant was good. But the question they now had to consider was, whether they were prepared to resist the judgment of the Court of Queen's Bench or not? It was impossible for them to blind their eyes to the fact that the public would never go along with them, if they were content merely to rest with the imprisonment of the subordinate ministers of justice. The ultimate question must be this, would they proceed against the Judges of the land or not? Their conduct would appear pusillanimous in the extreme if they did not go to the utmost extremity against all persons who interfered with their privileges. It would be advisable, however, for them just to stop and consider whether they should have the public opinion with them in such a contest; for whatever might be their privileges, they might depend upon this, that those privileges would be utterly feeble unless they were supported by public opinion; and he would defy any one to satisfy the country that in this particular instance the House was in a condition to assert its privileges to the extent contended for by the hon. Member for Montrose. It had happened unfortunately, in the case of Stockdale v. Hansard, that the Lord Chief Justice, betraying the warmth of a generous nature, gave vent to strong expressions against the privileges of the House, for which, in his judgment afterwards, he atoned in the most graceful manner. Before the House took such a step as was contemplated by the hon. Member for Montrose, he was anxious that it should consider whether it would carry the public feeling with it. In 1843, the opinion of the Court, as indeed had been anticipated, was unfavourable; and in the face of it was the House prepared to commit those by its own power who resisted under a judgment to which the House had submitted? It seemed to him impossible to adopt the course recommended by the hon. Member for Montrose with safety; and the real question therefore was, what was the House under the circumstances to do? Was it to postpone the question, and allow the levy to take place on the goods of the Sergeant, who had only acted under the orders of the House? Was he to be protected from the consequences? It was clear to him that some resolution ought to be passed to protect the Sergeant, although he was decidedly opposed to any attempt by force to prevent the execution of the judgment. The public feeling would not be with the House in any such attempt. He felt the great difficulty in which the House was placed, and he hardly knew what step to recommend; but he trusted that something might be devised which would extricate the House from its present situation

Lord *J. Russell:* In 1837 the House was advised by the then Attorney General (Sir J. Campbell) to plead to the action brought against Messrs. Hansard. The House did plead, and then came the question, whether the damages should be paid. I advised their payment then, on the ground that we had not interfered in the earlier stages of the proceeding. In a subsequent case the House did not plead. There the question also arose whether the damages should be levied; and the House proceeded against the Sheriffs. With respect to the present action, the House was advised that it should plead to it, and the House agreed to the Motion in 1843—a Motion made by me that Mr. Howard be summoned to the Bar being rejected. And now what is it that the hon. Member for Montrose proposes? It is this, that having omitted all preceding steps, you should now interfere to prevent the levy of the damages. If the House is prepared to take that course, they should have interposed when the parties first instituted the suit. The hon. and learned Solicitor-General had referred to the Resolution of the House which declared the institution of any suit in these cases to be a breach of privilege; and the Resolution further went on to say that any parties who should presume to be concerned in any such suit, should be amenable to the displeasure of the House, and visited with punishment. An hon. and learned Gentleman (Mr. F. Kelly), who was himself concerned in the prosecution of the present suit, has this evening expressed his opinion to the House. Now,

I own that I think that that hon. and learned Gentleman did not do his duty as a Member of this House, in being concerned in such suit. But as the House neither interfered with Mr. Howard, his counsel, or attorney, in respect to this suit, I think it too late to begin now with such interference. We have lost the opportunity of doing that, and therefore I could not be a party to the Motion of the hon. Member for Montrose, that the House should now interpose. The other part of the question would be considered on a future day.

Sir *R. H. Inglis* said, he rose to take the part of his hon. and learned Friend, who had been attacked by the noble Lord when he was not in a position to defend himself; and he did so the more readily, because in the able speech of the hon. and learned Member for Sutherlandshire—which he, in common with the whole House, had listened to with the greatest pleasure—the same subject was alluded to; and there was no portion of the noble Lord's speech which was so cheered as what the noble Lord said of his hon. and learned Friend. His hon. and learned Friend the Member for Cambridge had been attacked for taking a brief in the case of Howard and Gosset. He must say that, if the plaintiff were not to have the advantage of the services of a Member of this House, neither ought the defendant to have the benefit of the services of another Member of this House. In either case the impartiality which his noble Friend was so anxious to preserve in the deliberations of this House, would be violated. Each Member would come into the House alike prejudiced on one side or on the other. He was not conscious of any order of the House on the subject. He was aware it had been alleged by a very high authority that there was a rule prohibiting Members from holding a brief on any matter in which the House was concerned, except with the permission of the House; but, if there were such a rule, he was certain it was violated every day. In a case like that of Queen Caroline's, before the House of Lords, it had been required that Members should have leave to appear; but in no instance of a private action, that he was aware of, had permission been required. He was sure that the value of the services of his hon. and learned Friend the Member for Cambridge would be admitted by every one; and, as he was not in a position to make this statement for himself, he felt bound to make these few observations. He would not say a word on the general question, as he did not think on that subject he was entitled again to claim the indulgence of the House.

Sir *R. Peel:* I am perfectly content to vote for the Motion of the noble Lord, that this debate should be adjourned to a future day. There is a difficulty in this case, and in every case connected with privilege, that we are anxious to postpone the evil day, and it is natural that we should; but do not let us suppose that we are escaping from the real difficulty of this case by adjourning the debate. I cannot conceal from myself that if we are disposed to advise resistance to this encroachment on our privileges, the presen is the day when we ought to do it. I quite understand the doctrine that by pleading we did not acknowledge the jurisdiction of the Court; but I deeply lament, at the outset, that we ever did consent to plead. I was a party to the Resolutions that the privileges of this House should be exempt from question in a court of law—that we had competent power to protect our privileges, and that we should consider any authority that called them in question guilty of a contempt of this House. Eight days after we came to these Resolutions, we consented to plead in the case of "Stockdale *v.* Hansard," at the instance of the then Attorney General (Sir J. Campbell) who gave us that advice, not from indifference to the maintenance of our privileges—for they never had a more able or efficient advocate—but from a mature consideration of all the difficulties of the case, and on account of the imperfect powers—for we must make the admission—that we possessed for defending them. Such being the case, the then Attorney General gave us the advice to plead, which was at the same time consistent with a determination to do all he could in defence of our privileges. I foresaw that the consenting to plead in that case would greatly fetter our future course. I repeat that I understand the doctrine, that by pleading for the purpose of informing the court that a certain thing was done by our order, does not amount to an admission of the jurisdiction of the court; but it was nevertheless, a step embarrassing to us. Still I draw a distinction between pleading in a court of law, and paying these damages; but acquiescing in the payment of the damages—that is to say, if we chose to

close our eyes, not giving any direct authority to the Sergeant to refuse the payment, contenting ourselves with saying, that we gave no instructions, and that we would not be parties to the payment, depend on it, that that is tantamount to coming to a resolution, that on the whole it is advisable that the Sergeant should pay the damages. I only mean to say—do not let us disguise from ourselves the real state of things, after paying the damages; or, what is the same thing, after acquiescing in their payment on Monday, by adjourning the present debate, it will then be inconsistent for us on Monday to say, with respect to the parties who might levy the damages, that they should be proceeded against by the exercise of the powers of this House for a breach of privilege. If you consider the levying of these damages a breach of privilege, it is your duty to give notice to the parties that they must not proceed to levy, and that if they do proceed they will be committed; but to let this night pass, and to let damages be levied on your Sergeant, would preclude you from exercising the power of committing the parties to whom you have given no notice not to proceed. We cannot pretend to be ignorant of the facts of the case. The Committee has reported that "they do not deem it expedient to advise the House to interpose to prevent the levy." We have adopted the printing of that Report; and cannot plead ignorance, therefore, of the fact. Sir, I acquiesce in the adjournment, not concealing from myself the consequences, but being prepared to admit that any mode of disposing of this question to-night, excepting a distinct notice to the parties to proceed at their peril in the levy of these damages, will hereafter prevent us from exercising the authority of this House by punishing those parties. But, at the same time, I am bound to state, that foreseeing the consequences of the adjournment, I object to the Motion of the hon. Gentleman, because I am not prepared to enter on that conflict, to which I apprehend we are not yet come. I know what the consequences of delay will be; and I think the hon. Gentleman has some reason in calling on the House to affirm his Resolution. But I am not going to enter on that conflict; because, looking back on what has passed, and considering the imperfect means I have of vindicating the privileges of this House, I see it is absolutely necessary that we should make up our minds not to deal with subordinate officers. It will give no satisfaction to commit those subordinate agents of the Court, to deal with the officer that enters a room, and to call up the Sheriff, who is threatened, on the one hand, with attachment by the Court of Queen's Bench, and, on the other hand, by committal by this House; but when it does become absolutely necessary to vindicate your privileges—and I don't say the time will not come—depend on it you must make up your mind to deal with other men. You must either solve the difficulty—as you did before, in the case of the Printed Papers, where, in my opinion, your privileges were invaded — by legislation, or, feeling the essential importance of maintaining those powers and privileges given to you, not for your own benefit, or for mere capricious exercise, but given to you for the protection of the greatest interests of a free people, you must vindicate them by your own inherent powers. You must be prepared to take a course different from that you took when you committed the Sheriffs in 1840. You must not look out for excuses, that after a certain period you may release those you have committed; you must be prepared to go to all extremities in the vindication of your privileges. And in order to do that—in order to do it with effect—you must feel in your mind and conscience, in order that you may be supported in such a course, that the necessity has absolutely arisen—that there is no room for further delay, or resort to other powers—you must not only have that impression, but, on account of the imperfection and insufficiency of your powers, you must be backed by the prevailing and predominant feeling of the people of England — that you have no other alternative for the protection of their interests than resorting to that course. In that course I believe you will succeed; but don't enter on it without the deepest conviction that the time for it has arrived. I do not think that period has arrived; I do not think we have taken the preliminary proceedings which would justify us in resorting to it. I won't now enter into the general question. If I made no concession of jurisdiction to the Court below, in my opinion I make no concession of jurisdiction by going to another tribunal, and saying, "I believe this decision to be

wrong. I believe that what was done was done by order of the House of Commons. I go to the Court in Error as I went to the Court of Queen's Bench; I believe I shall succeed in establishing my right." That is a course which it is open to me to pursue. Although I trust, from the declarations I have made, and the course I have pursued, I have shown no disinclination to vindicate the privileges of this House—no indifference to their maintenance—no depreciation of their importance; yet, foreseeing what the contest will be—seeing I may be opposed by a powerful minority in this House—I will not resort to a last extremity, till I have exhausted every other means—till I feel the necessity has absolutely arisen—till I feel there is no other resource for maintaining privileges which I believe essential to the welfare of the country, and which I will say I believe endangered by this decision of a court of justice. I believe that decision to be an unjust one; but I will not resort to extreme measures, looking to the imperfections of the instruments I have to deal with, and the difficulties with which I have to contend, until I can, with a safe conscience, say to the people of this country, every other means have been used, and there is no alternative but to resort to our own authority for the vindication of our own privileges.

Mr. *Bernal* lamented that the discussion had this night proceeded to such a length; and that the right hon. Baronet had alluded to certain circumstances to which he did not expect him to advert. At the same time, he concurred in opinion with the right hon. Baronet; and while he did not deny the right of the House to interfere, as the hon. Member for Montrose had suggested, he doubted whether the proposal would be supported by a majority. He agreed that subordinate officers ought not to be made responsible to the House, and that, if necessary, proceedings should be taken against the Judges themselves for the vindication of privilege. He maintained that the judgment of the Court of Queen's Bench was a mere thing of shreds and patches; that two of the Judges had contradicted themselves repeatedly; and that the result—to use the mildest term—was erroneous. He entreated the hon. Member for Montrose not to place the House in a difficult and disadvantageous position; and regretted that he had been misled by the hon. Baronet the Member for Oxford, who was no very skilful Palinurus, to recommend a course which he would not have proposed had he given the subject twenty-four hours' deliberate consideration. If the hon. Member persevered with his Motion, and were defeated, he could never again advance the doctrine of privilege with force and effect.

Mr. *Hume*, in reply, said, hon. Gentlemen who were in favour of an adjournment, admitted the evil, but had not the courage to grapple with it. The hon. Baronet the Member for the University of Oxford said, there was no rule why a Member of that House should not give advice against the House. The rule was this, that no Member of the House should appear before a Committee to argue any question in which he ought to be, or rather might be, the judge. He thought that if their privilege was to be asserted at all, it should be asserted now. The hon. Gentleman (the Solicitor General) pointed out all the evils and difficulties of the question, and then sat down without telling the House what he was prepared to do. They were placed in a lamentable position. The action might have been brought against the Speaker himself, and, in fact, as their head it should have been so. He thought that the principals alone ought to be amenable; and he was still disposed to think that Lord Denman should be called to the bar of the House; and, from what the right hon. Baronet (Sir R. Peel) had said, he thought it would come to th t in the end. What reason was there, he would again ask, why they should not proceed with the discussion? They were now ancle-deep in the mud; why should they become knee-deep? They had been kicked on Monday, as it were, and buffeted on Tuesday; on Wednesday they said they would submit to be kicked again, and they would then, when the evil was done, be courageous enough to grapple with it on the Thursday. He hoped that a sufficient number would be found to agree with him in rejecting a proposition for further delay. Every hon. Member who had heard the speech of the right hon. Baronet (Sir R. Peel) must be convinced that he was as anxious to go on as he (Mr. Hume) was; and the right hon. Baronet had offered no excuse whatever for postponing the discussion to a future day. The delay could effect no good object, for they were now in possession of as much information as they should hereafter obtain.

Mr. *Collett* said, that at the end of the speech of the hon. Gentleman the Solicitor General, that hon. Gentleman stated, that unless the House interfered immediately, the Sergeant-at-Arms would be put to considerable inconvenience on Monday next. Now, he should be glad to be informed in what way the hon. Gentleman wished the House to interpose to protect the Sergeant-at-Arms.

The *Solicitor General* was not aware that he had proposed that the House should interfere immediately. He said that he thought the House should do something to prevent the inconvenience to which the Sergeant-at-Arms would be subjected; he, however, agreed in the propriety of postponing the discussion.

Mr. *Hawes* had listened attentively to the speech of the right hon. Baronet (Sir Robert Peel) and, admitting as he did, that their privileges would be violated, supposing the parties in question proceeded to levy, he wished to ask the right hon. Baronet whether he would be disposed to support a Resolution, the effect of which would be to give notice to the parties that if they proceeded in levying the execution, they would be violating the privileges of the House?

Sir *R. Peel* said, the hon. Gentleman could not have listened very attentively to his observations, for if he were to adopt the suggestion of the hon. Gentleman, after having served such a notice as he proposed, if the parties proceeded to levy, it would be necessary to take some steps to punish them; and he (Sir R. Peel) had said that he was not prepared to support the committal of the plaintiff, or any other person. He had said that distinctly, and he was surprised that the hon. Gentleman should have put such a question.

The House divided, on the Question that the debate be adjourned to June 9th: —Ayes 96; Noes 50: Majority, 46.

List of the AYES.

Acland, T. D.
Acton, Col.
Adare, Visct.
Adderley, C. B.
Ainsworth, P.
Arundel and Surrey, Earl of
Baillie, Col.
Barkly, H.
Baring, rt. hn. W. B.
Barnard, E. G.
Baskerville, T. B. M.
Bernal, R.
Bodkin, W. H.
Bouverie, hon. E. P.
Bowles, Adm.
Bruce, Lord E.
Bruce, C. L. C.
Buckley, E.
Buller, Sir J. Y.
Campbell, J. H.
Cardwell, E.
Carew, W. H. P.
Chute, W. L. W.
Clerk, rt. hon. Sir G.
Cockburn, rt. hn. Sir G.
Connolly, Col.
Corry, rt hon. H.
Crawford, W. S.
Cripps, W.
Darby, G.
Dickinson, F. H.
Drummond, H. H.
Dundas, D.
Entwisle, W.
Fitzroy, hon. H.
Flower, Sir J.
Fremantle, rt. hn. Sir T.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Godson, R.
Graham, rt. hn. Sir J.
Greenall, P.
Greene, T.
Grimsditch, T.
Grogan, E.
Hamilton, J. H.
Hampden, R.
Hanmer, Sir J.
Hatton, Capt. V.
Herbert, rt. hon. S.
Hope, hon. C.
Irving, J.
Jermyn, Earl
Kemble, H.
Labouchere, rt. hn. H.
Langston, J. H.
Loch, J.
Lockhart, W.
Mackenzie, W. F.
M'Neill, D.
M'Taggart, Sir J.
Mainwaring, T.
Martin, C. W.
Masterman, J.
Meynell, Capt.
Mitchell, T. A.
Mundy, E. M.
Murphy, F. S.
Nicholl, rt. hon. J.
O'Ferrall, R. M.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Polhill, F.
Pringle, A.
Pulsford, R.
Pusey, P.
Russell, Lord J.
Scott, hon. F.
Seymour, Lord
Shaw, rt. hon. F.
Sheil, rt. hon. R. L.
Smith, A.
Smith, rt. hn. T. B. C.
Smollett, A.
Somerset, Lord G.
Spooner, R.
Stanton, W. H.
Stuart, W. V.
Sutton, hon. H. M.
Thesiger, Sir F.
Vivian, J. E.
Wilde, Sir T.
Wood, Col. T.
Wynn, rt. hon. C. W. W.
Young, J.

TELLERS.
Grey, Sir G.
Howick, Visct.

List of the NOES.

Aglionby, H. A.
Baillie, H. J.
Baine, W.
Baldwin, B.
Blake, M. J.
Bowring, Dr.
Brotherton, J.
Browne, hon. W.
Christie, W. D.
Clements, Visct.
Clive, Visct.
Collett, J.
Dennistoun, J.
Disraeli, B.
Duncan, G.
Gibson, T. M.
Granger, T. C.
Hawes, B.
Hope, A.
Horsman, E.
Inglis, Sir R. H.
James, W.
James, Sir W. C.
Law, hon. C. E.
Mahon, Visct.
Manners, Lord J.
Marshall, W.
Martin, J.
Martin, T. B.
Mitcalfe, H.
Napier, Sir C.
Norreys, Sir D. J.
O'Brien, A. S.
O'Brien, J.
O'Connell, M. J.
O'Conor Don,
Osborne, R.
Pakington, J. S.
Plumridge, Capt.
Protheroe, E.
Ross, D. R.
Rumbold, C. E.
Stansfield, W. R. C.
Strutt, E.
Tancred, H. W.
Trelawny, J. S.
Warburton, H.
Watson, W. H.

Wawn, J. T.	TELLERS.	
Williams, W.	Hume, W.	
	Roebuck, J. A.	

Debate adjourned accordingly.

ACADEMICAL INSTITUTIONS (IRELAND).] On the Order of the Day for the Second Reading of the Academical Institutions (Ireland), Bill being read,

Lord *J. Russell* said, he wished to ask whether the right hon. Baronet (Sir J. Graham) proposed to introduce any material alterations into this Bill in Committee, and whether the memorial presented by the Roman Catholic bishops in Ireland had received the consideration of the Government; whether, in consequence of that memorial, they contemplated any alterations or whether that memorial was under the consideration of Government, with a view to the adoption of any of the recommendations it contained?

Sir *J. Graham* said, if it had been the intention of the Government to propose any material alterations in this Bill, it would have been his duty, in moving the second reading, to explain such alterations in detail. It was, however, his intention to move the second reading, without announcing any such alterations. At the same time the noble Lord and the House were aware that, when the principle of the Bill had been affirmed upon the second reading, it would be open to any hon. Gentleman in Committee to propose such alterations as were not inconsistent with the principle of the measure. The noble Lord had referred to a memorial presented by the archbishops and bishops of the Roman Catholic Church in Ireland to the Lord Lieutenant. He (Sir J. Graham) was bound to state that the adoption of the most material of the alterations, suggested in that memorial, appeared to his Colleagues and to himself to be inconsistent with the principle of the Bill.

Lord *J. Manners* said, this Bill involved what he regarded as a new principle. Considering the late period of the evening at which they had now arrived, it was impossible that this debate could be brought to a conclusion to-night, and he earnestly hoped the right hon. Baronet would have the goodness to postpone the Bill until next week.

Sir *R. Peel* said, if they proceeded with the debate now, there was no disposition on the part of the Government to force the House to a decision on the question to-night. It was now only a quarter-past nine o'clock, and the state of public business, and the fact that great inconvenience was occasioned to important public interests in consequence of the delay of certain measures, rendered it desirable that they should now proceed with this measure.

Sir *R. Inglis* suggested that the Poor Law Amendment (Scotland) Bill, the second reading of which was fixed for that night, might be taken instead of the Bill then before the House.

Sir *J. Graham* said, it was usual to proceed with the Notice which stood first on the Paper for precedence; and several hon. Members connected with Scotland had left the House under the impression that the Scotch Poor Law Bill would not be brought under consideration to-night.

Mr. *Sheil* said, the right hon. Baronet had directly answered the question put to him by the noble Lord (Lord J. Russell), and had stated that it was not his intention to make any material alterations in this Bill. He wished to put a question to the right hon. Baronet; but if any inconvenience or any prejudice to the measure could arise from his peremptorily answering that question, he would not press it. He wished to ask whether the right hon. Home Secretary objected to religious instruction being given in these Colleges through the intervention of clergymen of the Roman Catholic Church, to Roman Catholic students? and whether such clergymen should be paid by the State from the endowment, or by a tax or charge to be levied upon each Roman Catholic student who might enter the Colleges? He considered this a very material point. The right hon. Home Secretary had already stated that the lecture rooms would be allocated to the use of any Roman Catholic clergymen who might wish to instruct the students. Not only was it proposed to give the Roman Catholic clergy the opportunity, the right, of instructing Roman Catholic students, but a locality was allotted to them for the purpose. It had been suggested that a salary should be paid to these clergymen. Now, a salary could be paid in two ways—either out of the endowment, which made it an act of the State, or by the students, upon whom certain small sums might be levied for the provision of religious instruction. In the

latter case the tax would be paid by the individual students, and not out of the endowment. He wished to know whether the right hon. Baronet considered it an essential principle of the Bill that no payment should be made to the Roman Catholics.

Sir *R. Peel* thought hon. Members ought not to call upon his right hon. Friend and himself to make statements. It was competent to the right hon. Gentleman (Mr. Sheil) to raise the question he had just mooted in Committee; but he thought it would be premature on the part of Government to give explanations on points relating, as he considered, not to the principle but to the details of the Bill. He hoped the right hon. and learned Gentleman would not press his question now, but that he would reserve it until the Bill went into Committee.

Mr. *Sheil:* I do not press it.

Mr. *B. Osborne* understood that the principle of the Bill was not to be materially altered. The Roman Catholic bishops had called upon the Government to endow the chairs of Physic, Materia Medica, and Anatomy, in the new Colleges, and to assign them to Roman Catholic professors. As a liberal Protestant, residing in Ireland, he must say that he considered this a most monstrous proposition —he could not apply any other term to it; and he thought the Government deserved great honour for the course they had taken with regard to such a proposal. The declaration of the right hon. Baronet could not be mistaken; the right hon. Baronet had stated that he meant to stand by the principle of the Bill. Although he objected to that portion of the Bill which vested the nomination of professors in the Crown, he should not be doing his duty if he failed to give his most cordial support to the Government in the principle they had laid down; and while they had been upsetting a Protestant supremacy in Ireland, he hoped they would not establish a Roman Catholic supremacy.

Mr. *Acland* could not understand what the Government considered to be the principle of this Bill.

Sir *J. Graham* said, he had endeavoured to explain the principle of this Bill to the House when he moved its introduction; but he feared he had failed to render himself intelligible. He had stated that it was the earnest desire of the Government to afford the people in various important districts of Ireland the benefit of academical education; and that, considering the unhappy religious divisions prevalent in that country, it was felt by the Government that it would be impossible to admit all classes of Her Majesty's subjects to the benefit of such education, if they attempted to engraft upon it, by the endowment of the State, any theological instruction. He stated that the Government, therefore, intended to abstain from all interference with religious teaching in these institutions; but that, at the same time, facilities would be afforded for religious instruction by private endowment. These were the statements he (Sir J. Graham) before made to the House, and fully explained; and he believed that, on an examination of the details of the Bill, it would be found that these principles were fully carried out.

Sir *R. H. Inglis* observed, that the principle of the Bill was not the denial or encouragement of any specific theological notion; but the absence of all religious instruction whatsoever, at least as far as that House was concerned. A systematic absence of all religious instruction, then, was the avowed principle of the measure.

Mr. *E. B. Roche* wished to know whether the right hon. Baronet intended to adhere to that portion of the Bill which vested the appointment of professors in the Crown?

Sir *J. Graham* did intend to adhere to that principle. Considering all the circumstances of Ireland, and especially those unhappy religious divisions to which he had before referred, he thought it most important that the right of nominating the professors should be reserved to the responsible advisers of the Crown.

Lord *Clive* hoped the Government would not press the second reading of the Bill at this hour. It was, however, for the right hon. Baronet the First Lord of the Treasury to decide that question. He had no wish to delay the progress of the Bill; but he thought it was questionable whether, if other business were taken to-night, time would not really be saved in the end.

Sir *R. Peel* believed, that the noble Lord the Member for Newark (Lord J. Manners) was not actuated, in pressing the adjournment of this debate, by any other motives than those he had avowed; but really hours were becoming of great

importance. If they now proceeded with the discussion of this Bill, they would be enabled to continue the debate for three hours, and would make considerable progress with the measure.

Mr. *Roche* wished to state that, if it were the intention of the Government to reserve the appointment of professors to the Crown, he would feel it his duty to give the Bill all the opposition in his power.

The Order of the Day read; and, on the question that the Bill be read a second time,

Lord *J. Manners* said: I assure the House that I never rose with more reluctance than on the present occasion to move the rejection of this Bill. So great was my reluctance to adopt such a course, that till this morning I hesitated to take any step on the subject, in the hope that before this measure arrived at its present stage Her Majesty's Ministers would have made some declaration which might enable me, and other hon. Gentlemen, to give as hearty support to this measure as we gave to the proposal for an increased and permanent grant to Maynooth. But in the absence of any declaration on the part of the Government, and after the intimation of the right hon. Baronet (Sir J. Graham) that no such alteration as we desire can be admitted, I am induced, however reluctantly, at whatever pain to myself, and with whatever weariness to the House, to meet this measure with a sincere, though reluctant, opposition. I cannot call a system such as this a measure of education for Ireland. In my view, education is something very different from the instruction provided by the enactments of this Bill. I never could consent to call a Bill such as this, which contains such a proviso as that I will now read to the House, a measure for promoting learning in any country:—

"Provided always, that no student shall be compelled by any rule of the College to attend any theological lecture or other religious instruction, and that no religious test shall be administered to any person in order to entitle him to be admitted a student of any such College, or to hold any office therein, or to partake of any advantage or privilege thereof."

I know not what may be the feelings of hon. Gentlemen on this or that side of the House; but I must say for myself that I conceive I should violate my duty as a Member of this House, and as one most deeply anxious to benefit the people of Ireland, if I could consent to such a proviso as that. When I heard the right hon. Baronet (Sir J. Graham) say that he would not abandon the principle of the Bill—the principle, as I was led to conclude, contained in that proviso—I felt that the only course open to me was to move the rejection of the measure. I know that in this country, as in others, it is fashionable to appeal to the foreign system of education; and we are told to look at the happy results of that system in Prussia, in France, and in Bavaria. But I altogether deny the assertion. I say that, of all the fatal and mischievous measures ever proposed in any country, those measures of education which have so unhappily failed in France and Prussia, must be acknowledged to hold a bad pre-eminence. I think I shall be borne out by any one who has paid the slightest attention to the condition of France—to the volcano on which the Government of that country is standing at this moment with reference to education—when I say that I cannot conceive how the example of France can be quoted to us as a proof of the success of such a system. When I see no less than fifty of the bishops of the Gallican Church, not appointed by the Pope but by the King, protest in the most emphatic terms against that plan of education, and heading their clergy and faithful laymen in opposition to a system which threatens, at no distant day, to rend that Government to pieces, I cannot understand how we can sanction a measure which will, I believe, produce—not similar, but far worse and more deplorable results in Ireland. I have heard, and have seen it written in books sanctioned by hon. and right hon. Gentlemen opposite, that one effect we should endeavour to attain by enlightened and liberal Government in these days, is to win over and to alienate the Roman Catholic population from that Church with which they are connected. I have seen it stated in a work by an officer high in the confidence of the late Government, who was rewarded for his services by an order—of all orders in the world to give to such a man—of Isabella the Catholic, that the people of the Basque Provinces were daily being seduced from their allegiance to the Church of Rome. [An hon. *Member:* Who was it?] Lieutenant Colonel Richardson. But this is not the view I take. I think the Government would make a very bad exchange of a faithful and believing people for those who pos-

sessed a mere mass of secular learning. I am far from underrating the value of that learning; but I say this, that without a basis of religion, such learning is worse than useless; and I venture to suggest that, as a necessary preliminary to such a system of secular learning as that now proposed, a basis of religious education should be given. I know that it is said, "Look at the difficulties of Ireland; see how unfortunate religious differences divide us upon this subject, and compel us to take a course we should otherwise willingly avoid." I may be told, "Before you reject a measure which may do some good, you are at least bound to show that you have a measure of your own better and more practical." I am not indisposed to state, very humbly, and in no detail, a measure which I believe would be superior to that now before the House; but, before I do so, I must be allowed to say, that however any measure which might be proposed to be substituted for this might fail in some of its details and objects, I can conceive no measure so bad and inefficient as that now under our consideration. I should like to know what probability there is of this measure being practically acted upon in Ireland. I have heard Gentlemen say, "If this Bill were proposed for England, we should be the first to oppose and defeat it; but, looking at the state of things in Ireland, we are disposed to make every allowance for a measure of this kind; and if it will content the Irish Roman Catholics, and their hierarchy, great as our scruples on the subject may be, we are ready to support the Bill." But how can such an argument be used? This measure will not secure the support and confidence of the great body of the Irish Roman Catholic population; that it will obtain the support of the Members of the Irish Protestant Church, is to my mind, a most unnatural supposition. I cannot suppose that those who have opposed, and those who still do oppose, what is called the national system of education in Ireland, can suddenly turn round and support such a measure as this—a measure denounced in such strong terms by my hon. Friend below me (Sir R. Inglis), and by Gentlemen who profess the Roman Catholic religion with as much zeal and sincerity as my hon. Friend professes the religion of the Established Church. But be that as it may, I am convinced I am not wrong in asserting that this measure is not supported by the feelings and opinions of the Church of England. One of my reasons for respectfully submitting to the Government the propriety of postponing the discussion of this measure is, that the feelings of the people of England and of the English Church have been so much excited on the question of Maynooth, that this Bill, which in my opinion is of far greater importance, and introduces a far broader principle, has not received the consideration it would otherwise have obtained; and I think it is wrong that any step should be taken in a matter of such importance, without giving ample time and opportunity for an expression of opinion, at least, on the part of that Church which has not shown itself so violently opposed to the general policy of the Government. These are some of the reasons which induce me to take the course I have now felt it my duty to adopt. I trust I have not wearied the House by any lengthened observations. I have endeavoured to express my feelings on the subject in as calm a manner as I possibly could do. I assure Her Majesty's Ministers that, could I feel it consistent with my duty to support this measure, I would most heartily and cordially do so. I desire, in common with them, I will not say to conciliate, but to do justice to the people of Ireland; but I cannot help feeling that the terms in which the great leader of the Irish people has expressed his and their opinion of this measure, are such as I heartily concur in—terms in which, I believe, the people of England will also concur, and terms in which, I believe, the Church of England itself will generally be disposed to concur. Those observations the House will, perhaps, allow me read:—

"I want that education should be free. To obtain for the Protestant of the Establishment education for his children such as shall have the father's sanction and the mother's blessing. In like manner would I concede to the Presbyterians a distinct and separate education for Presbyterian youth, and join them in calling upon the Government for a guarantee that the children should be educated in the religious profession of their fathers. That being my principle, here I am ready to work it out—to work for the Protestant, the Presbyterian, and all classes of dissenters. I contend that every persuasion should have a distinct and separate system of religious instruction. Religious education must be in its nature exclusive. It is exclusive to all who hold a contrary belief in religion. There can be no mixed education in religion—whatever 'mixed' education means. The mixed education under this Bill does not mean much,

there are no ingredients to mix up in it—nothing that can be called a mixture—it is an unmixed evil."

In evidence given before a Committee of this House, in the year 1825, Mr. O'Connell stated, that he favoured the plan of having a Protestant College in Dublin, for the use of members of the Church of England, a Presbyterian College in the north, and a Catholic College in the south. That appeared to him to be perfectly reasonable, and so the hon. and learned Gentleman stated in his evidence. He said that that scheme would allay all differences of feeling, and make due allowance for all differences of creed. But for all this, I do hope that the Bill may not be allowed to pass into a law. As long as the Government says we will provide secular instruction for you, and leave you to obtain your religious instruction, discipline, and habits wherever you can, so long will I oppose such measures as this. I say, that under such circumstances secular instruction is worse than useless. By such a system you inflict a dangerous wound on Ireland; instead of being a boon it will prove a curse; in every point of view it is to be deplored. If you succeed, future statesmen may tremble for the consequences, and succeeding generations must deplore your triumph. You may give the people of Ireland secular instruction; but in doing so you deprive them of old habits of faith and veneration, you dash and destroy all the good effects that might be expected to arise from the grant to Maynooth, and you create for future Governments the most fatal of all temptations, namely—interfering with that upon which the salvation of immortal souls depends. The noble Lord moved that the Bill be read a second time that day six months.

Mr. *Ross* said, the noble Lord who had last addressed the House had assumed what he had no right to assume—that persons educated in these academies would be altogether destitute of religious education. He believed, on the contrary, that the practice which had continued up to the present moment in Ireland, of diligently catechising young persons of all religious persuasions at stated occasions, would still prevail. In the part of Ireland with which he was best acquainted, he knew that, on every Sunday, the youths of the Catholics, and the Presbyterians, and the Dissenters, and of the Church of England, regularly attended at their respective places of worship; and he was convinced, that under the Government system the same care of the religious principles of the students would be persevered in, and that all of them would, without exception, maintain the religion of their fathers. The noble Lord believed that, in two or three generations at the utmost, they would have infidelity prevailing in the country; but he entirely denied the soundness of that supposition. They had instances in the proprietary schools of this country of children being educated on the proposed plan, and being afterwards sent out, in many instances, a credit and an ornament to society. They had also the example of the national system of education in Ireland, under which 400,000 young persons were given a sound religious and moral education. The noble Lord would find scarcely one of these children who would not be able to enter into controversy with him, and state what they believed to be sufficient reasons for the faith which they professed. As to the question of the appointment of the professors being left in the hands of Government, he admitted that there were many good and solid arguments against it; but he felt that the countervailing evils would be as great if these appointments were left to popular elections. In the town with which he was connected (Belfast), he knew that a popular election for professors would be attended with squabbles which would hardly be paralleled by the Parliamentary elections in 1841. But he did not see hereafter, when a good foundation would be laid for the Colleges, that an alteration in the selection of the professors might not be very properly made in favour of popular election; though he believed that at present such a system would cause great inconvenience and embarrassment. He had not come down to the House with an intention of speaking on the question; and if he had intended addressing the House on the subject of the Bill, he would have come prepared with the authority of the Rev. Baptist Noel in favour of secular education without being joined with religious instruction.

Lord *Adare* said, it was not his intention to trouble the House long, as the sentiments expressed with respect to this measure by the noble Lord, corresponded with those which he entertained. He regretted very much to be obliged conscientiously to oppose this Bill in its present state. He opposed it because it did not

give the sanction which should be given to religion. He regretted that more attention had not been paid to the protest of the Roman Catholic bishops. He could not feel that the scheme would be beneficial to Ireland. The plan of founding a Roman Catholic College in the south of Ireland was the only one that would be acceptable to the Irish people. He had voted for the Maynooth grant, but he did not therefore think it inconsistent to oppose the present measure. He voted for the Maynooth Bill because he thought it the duty of the State to provide for the Roman Catholic clergy; but this Bill made no provision for religious instruction. It not only omitted that, but it neglected to provide for the proper training and discipline of the young men who were to come to the Colleges from the country. He could not see why the Government should not provide houses where moral restraint would exist over the students. Under all the circumstances, he could not allow this Bill to proceed without entering his humble protest against it.

Viscount *Sandon* could not conceive that the principle of this Bill was one which made it fair to call it a "gigantic scheme of godless education." He conceived that it was framed upon the principle, not of its being generally expedient to set religious instruction aside, but of its being, in the peculiar circumstances of Ireland, extremely inconvenient to apply that instruction to the people through an educational establishment endowed by the State. In former times, when conformity to the religion of the State was the rule, and the departure from it the exception, Colleges were founded on principles of domiciliary and parental instruction, embracing both secular science and religious truth. But in the present very different state of opinion, the adoption of the same principle was clearly impossible. This position the Bill now before them seemed to him, by its provisions, to admit and adopt. It was a measure, he believed, on the right road in regard to the peculiar circumstances of Ireland; and the very fact of his not agreeing with all its provisions, made him the more anxious to see it pass through its second reading, and come before them in a stage when they could introduce into it those improvements which might seem advisable. The demands of the Roman Catholic bishops were such, however, as he was disposed to think it would be impossible to accede to, without totally giving up the great principle of the measure—that of providing a mixed education. He wished to see both the great religious parties of Ireland come forward, and each contribute what each conscientiously could to the common and the great cause of the moral and literary education of the people.

Sir *J. Graham* said: I rise with unfeigned pleasure after the speech which has just been made by my noble Friend the Member for Liverpool; for that speech has contributed to relieve me of much pain. It was very painful to me to have it supposed that any proposition of mine should be made to the House under the influence of such motives as upon former occasions, and in other places, have been imputed to me. Although the censure, to which I allude, is in some degree a personal question, yet, I feel that the House of Commons is not the place in which I am willing to make professions upon religious subjects; but I trust that the House will give me the fullest credit when I assure them that no consideration whatever would have induced me to propose any measure to Parliament which could be considered farly open to such condemnation as has beien pronounced upon the Bill now before the House. I am rejoiced to find it admitted, that in the Bill which I introduced I have not neglected to make provision for religious education. But at the same time I still hold, as I always have held, that there would be not the least probability of success for any measure by which it was proposed that the State should make provision for theological instruction. The opinions of more than one hon. Member have been pronounced in favour of a separate system of religious education; and I understood the noble Lord the Member for Newark to contend that there should be a Roman Catholic College in the south, one for Presbyterians in the north, and one for members of the Church of England in Dublin. Instead of removing the angry feelings which unhappily subsist in Ireland, I fear that his scheme of separate instruction, according to difference of creed, would tend to exasperate those feelings to excess; none more certain to produce that effect, none more likely to aggravate existing evils to a lamentable extent. In reference to the passage at the end of the 14th Clause, I must take this opportunity of saying that I consider there would be great difficulty in providing any joint religious

education that would be generally acceptable to the people of Ireland. In the first place, it is absolutely necessary in framing such a measure to make it clear and plain to every man's understanding, that for eligibility to hold office there shall be no religious test, and no religious test to be applied to those persons who seek to become students at those Colleges; in short, that no religious test whatever is to be applied either to students or to professors. We thought, and we are still of opinion, that the more plainly and the more intelligibly those principles are brought out, the more acceptable and the more practically useful will the measure be likely to prove. Is there, then, after all, any novelty in the plan on which we propose to proceed? I will first notice the Universities of Scotland, and show to the House what the practice has been with regard to the enforcement of religious instruction in connexion with education in those establishments. There is no country where religion is more venerated, or where it has greater predominance over the habits and the thoughts of the people, than in Scotland. In that country the prevailing form of faith was established after a long struggle with England against a religion which was opposed to the sentiments of the people; but ultimately, the Presbyterian form of worship prevailed, and was established by the Union—if, indeed, it might not rather be considered as the basis upon which the Act of Union was framed. Now, deeply venerated as is the form of worship established throughout Scotland, and intimately bound up with all the feelings of Scotchmen as are the practices of religion, yet, in so far as the course of education in the Universities of Scotland is concerned, religion is not enforced upon the students as a study; and although professors are certainly subjected to a test to qualify them for their offices, there is no conformity required on the part of the students, neither is their attendance enforced either at divinity or theological lectures; nor, with the exception of the professors, is any test required of those who matriculate in the Scotch Universities. In answer, therefore, to what has been stated by the noble Lord the Member for Newark, I have shown that the system for which he contends does not prevail in Scotland; but, on the contrary, that parents send their children to be instructed at the Universities of Glasgow and Edinburgh, notwithstanding they are well aware that attendance on theological or divinity lectures is not compulsory; and that, in fact, the regulations of those Universities do not recognize any discipline in religious instruction, nor enforce any compulsory attendance either at divinity lectures or even at divine worship. When I look to the opposite side of the House, I see sitting there two noble Lords, both of whom can speak to the practice in this respect of the Scotch Universities, and also as to the sentiments of the parents who send their children to be educated there; and what is that practice? Why, young men are sent from their homes to the houses of professors, who superintend their morals and their education; and the result is satisfactory in both respects. The noble Lord the Member for Tiverton said, during a former debate in this House, that he had had some experience of a Scotch University, previous to his matriculation in an English one; and he stated, that in his opinion, the morals and religion of the pupils are not more neglected in the Scotch, than in the English Universities. With respect to myself, I may, perhaps, be permitted to state that I had the advantage of being a member of the same College as the hon. Baronet the Member for Oxford. We both matriculated at Christ Church; and I must candidly admit that the course with respect to religious education pursued at Oxford does appear to me to be somewhat extraordinary when I look back upon it. When I was matriculated, I was not compelled to state what I knew in matters of religion; but I was called upon to subscribe and to swear to what I believed. But I now solemnly state that during the two years of my residence at College, I was never—with the exception of the required attendance at chapel—once called upon to attend to any lectures either upon theology or divinity. During the whole of that time, I never received any religious instruction whatever independently and apart from that which I derived from the enforced attendance upon chapel. I never, during those two years, attended a university sermon; and I am ashamed to say, that whilst I was at Oxford, I never, during the whole period of my residence, heard one single sermon. I appeal to the hon. Baronet whether he were ever compelled to attend divinity lectures whilst he was at Oxford. I do not know what his taste may have been; but I know that unless he liked he was under no necessity to listen to sermons. I now pass from the consideration of this question, as far as Scot-

land and England are concerned, to an examination of what the practice has been in Ireland. In the first place, I may observe that the hon. Member for Belfast approves of the Bill which is before the House, and with reason; for he has had some experience as to the success of the scheme of academical education which I have proposed, and which, to some extent, has been in operation in the city with which he is connected, under the direct sanction of an Act of Parliament, for a very long period. There have been objections raised to that part of the Bill which vests in the Crown the nomination of the professors in the establishments to be created in Ireland. Now, the experience of the hon. Member will enable him to inform the House that the nomination of the professors by the local governing body is the very one that has been pursued in the academical institution of Belfast. The nomination of the professors in that institution was originally vested in the governing body; they naturally enough followed the dictates of their own religious feelings, and nominated professors of their own creed. Unitarians obtained the ascendancy; and it was alleged that the professors were all selected from that class of religious teachers. The Presbyterians complained, and appealed to this House. Upon consideration, it was decided that the *Regium Donum* was not confined to orthodox professors; but that Presbyterians and Unitarians were alike entitled to partake of it. The Presbyterians objected to that state of things at the Belfast Institution; and, therefore, in order to prevent that academy from going to destruction, it became necessary to appoint two sets of professors—one Presbyterian, to obviate the want of orthodoxy—and the other Unitarian, in conformity with the local predominant influence. A petition has been presented against the educational scheme of the Government, with respect to these projected establishments, wherein it is stated that one of two things must inevitably take place, if religious instruction is to constitute one of the features of the scheme—namely, that the professors must of necessity be Roman Catholics, or else that there must be three sets of professors, of the three prevailing forms of belief; and, consequently, that all the branches of abstract science, even down to anatomy, must be taught by different professors to students professing different creeds. In making these observations, I do not mean to imply that the question as to the proposed method of nominating the professors under the Bill, is not open to consideration; but I have been asked this question, and I frankly replied that, considering all the different circumstances of the case, I thought it best that at least the first nominations under the Bill should be vested in the Crown. I do not mean to say, that after the first nomination has been made, a governing body might not advantageously have that power confided to it, a veto being reserved to the Crown. Nor do I say that the Bill may not be open to such an amendment hereafter; but I should deceive the House if I were now to say that we are disposed to make any such proposition, or to assent to its introduction. Now, I do not think it would be giving the proposed scheme of education fair play, if we did not take into consideration the extreme, and at the same time the just jealousy which is entertained upon religious grounds, and make a suitable provision to prevent all attempts to proselytize. I believe, with the noble Lord the Member for Newark, that no greater evil can happen to youth than to fall into habits of scepticism; and I also think that these fatal habits may be generated, or at least are much more likely to be grafted on the minds of our young men by the indiscreet attempts to which I refer, than if there were a total abstinence from any attempt to tamper with the articles of their creed. I have, therefore, thought it right to adopt some precautions against any attempts that may be made hereafter to turn lectures on abstract sciences into a vehicle for conveying peculiar religious tenets. I propose to give to the Crown the summary power of removing professors who so abuse their trust; and any such misconduct will be promptly and severely visited I have already stated that I do not contemplate any alteration in the Bill which will have the effect of varying its principle; but I have thought it due to the noble Lord the Member for Newark to make the observation which I have done; at the same time I may state that there are one or two alterations which I shall introduce into the Bill during its progress through the Committee. The first of these is with respect to the visitatorial power of the Crown. By its prerogative, the Crown cannot delegate that power to any other person but the Keeper of the Great Seal for the time being, unless such power be created by Statute. Considering the circumstances in which the new Colleges will be placed, I

think it will be expedient to give such a power of delegation; and that the Executive Government should possess the right of appointing visitors, so that in districts where the Roman Catholic faith predominates, the proportion of visitors of that persuasion may be equal to that of the students at the Colleges. In the north of Ireland, the visitors would be principally selected from the Presbyterians. The Crown, by the aid of such visitors, would be enabled at once to inquire into any alleged abuse that might exist in the Colleges, and provide a remedy against it. I may also state, that although it is not the intention of the Government to endow any theological or divinity lectures, I am, at the same time, of opinion that it is very desirable there should be in connexion with these Colleges some means or some institution for providing, without the walls, religious instruction for the students. I have already stated my reasons for not making such provisions within the Colleges; and I therefore, may state, that I am not indisposed to add a clause to the Bill, when in Committee, for the purpose of facilitating the endowment of divinity lectures by private funds, and the construction of halls where such lectures may be delivered. I am bound to state, that although it is the earnest desire of Her Majesty's Government to meet the reasonable wishes of the great body of the Roman Catholic population of Ireland with regard to academical institutions in that country; and although those Roman Catholic archbishops and bishops from whom we have received a memorial, are, by their talents and their station, entitled to our respect, yet that memorial does contain certain demands to which we cannot, consistently with the principle of the Bill, give our consent. The first demand is—

"That a fair proportion of the professors and other office-bearers in the new Colleges should be members of the Roman Catholic Church."

Now, without entering into any stipulation upon the subject, I cannot conceive it possible that any Government advising Her Majesty as to the nomination of professors, would not, in the first place, endeavour to secure in the different Colleges those who, by their learning and abilities, are the most competent; and, beyond a doubt, on the part of many of the professors, an adherence to the Roman Catholic faith would be an additional recommendation — one, too, which I have as little doubt would not be overlooked in the exercise of the prerogative of the Crown, acting under responsible advisers. Then comes the demand—

"That all the office-bearers in these Colleges should be appointed by a board of trustees, of which the Roman Catholic prelates of the province in which any of those Colleges shall be erected shall be members."

I have already said that to a governing board, as contradistinguished from the central and Executive Government, there is an insuperable objection. To that demand, therefore, we cannot consent. Then comes the proposal for appointing Roman Catholic professors to certain classes. The memorial states—

"That the Roman Catholic pupils could not attend the lectures on history, logic, metaphysics, moral philosophy, geology, or anatomy, without exposing their faith or morals to imminent danger, unless a Roman Catholic professor shall be appointed for each of those chairs."

Upon the subject of history I can conceive some difficulty, as it touches upon the confines of religious instruction: at the same time, of the two courses, I would rather exclude the chair of history altogether, than come under the stipulation to fill it with professors of one religious persuasion in preference to another. In the case of metaphysics and moral philosophy, I can see no possible reason or necessity for requiring professors of any particular creed, in order to render them competent teachers in those branches of instruction; and as for the other three branches, logic, geology, and anatomy, it is entirely out of the question to stipulate that they shall be Roman Catholics. Then follows the proposal—

"That if any president, vice-president, professor, or office-bearer in any of the new Colleges, shall be convicted before the Board of Trustees of attempting to undermine the faith or injure the morals of any student in those institutions, he shall be immediately removed from his office by the same Board."

I attach the utmost importance to the necessity of adopting ample precautions against any such attempt; and I believe the most efficient you can adopt is the vesting of a summary power of removal in the Government—that Government possessing visitatorial powers, to be entrusted to certain visitors, who shall be of different religious persuasions. The next demand is—

"That as it is not contemplated that the students shall be provided with lodging in the

new Colleges, there shall be a Roman Catholic chaplain to superintend the moral and religious instruction of the Roman Catholic students belonging to each of those Colleges; that the appointment of each chaplain with a suitable salary shall be made on the recommendation of the Roman Catholic bishop of the diocese in which the College is situate; and that the same prelate shall have full power and authority to remove such Roman Catholic chaplain from his situation."

I have already said that any such appointment by endowment from the State, or the existence of any authority which shall have such a control and command over the conduct of the pupils as to render their attendance within the walls of the College upon any particular lectures or any form of divine worship compulsory, we consider to be wholly inadmissible. At the same time, I do think, for the purpose of securing discipline, superintendence, control, and training in morals and in religion, it may be desirable to let into the College under private endowments professors or teachers for the purposes of lecturing in ethics and divinity. When we go into Committee I should not be unwilling to add words to the Bill affording a facility of that nature. I have now endeavoured succinctly, but plainly and openly, to answer the leading objections that have been stated to the measure. I am of opinion that it is of the last importance to consider how education has advanced amongst the lower classes of the people in Ireland. You have now under the national scheme, according to the best authority, and apart from all other modes of education, between 400,000 and 500,000 of the lowest classes in Ireland receiving education. You have Trinity College extending the benefits of education to the highest classes, including the Catholics, for in that respect it is not exclusive; but you want the connecting link—a link which I consider to be absolutely necessary with a view to the welfare, and I might almost say the safety of the country. In my opinion these Colleges will supply it. I have already said that I believe the time is not distant when these new Colleges might be united to a university. I do not recede from that opinion; but I think that the period for deciding that question will be after those Colleges have been founded, and when, having been for a short time in operation, they shall contain students ready to seek for honours in a university to be provided by the State. I am satisfied that the present social condition of the people in Ireland, particularly with reference to the education which the humbler classes are receiving under the national scheme, demands the present measure. If I wanted to establish the injustice of the designation with which the hon. Member for the University of Oxford has branded the scheme proposed under this Bill, I might appeal to the testimony of the hon. Member for Belfast, in which I quite agree; for I sincerely believe that the national acheme of education, so far from being an irreligious scheme of education, affords the best evidence I can adduce in favour of the Bill. I am assured, on the authority of some of the heads of the Established Church in Ireland, that if you take the children, Roman Catholic and Protestant, educated in the National Schools, in any part of Ireland, and compare their knowledge of the Scriptures, and of their moral duty, with that of the children educated in the National Schools in this country, where religious instruction is strictly attended to by the pastors of the Established Church, they will not suffer by the contrast or comparison. I am satisfied, therefore, that the spread of the great truths of religion by these National Schools throughout Ireland is the noblest effort of Christianity and kind feeling towards the great body of our fellow subjects in that country, and the most successful that has ever yet been made in their behalf. This Collegiate measure is avowedly an extension, and nothing more than an extension, of the present scheme of national education from the children of the humblest to the children of the middle and upper classes. [Mr. *Colquhoun:* Hear, hear.] I see that the hon. Member for Newcastle dissents from that proposition. In the original measure, introduced by Lord Stanley, when Secretary for Ireland, and when he and I were Colleagues of the noble Lord opposite under the Government of Lord Grey, it was proposed that some provisions should be made for the attendance of the children on Sunday at divine service at their respective places of worship; and the rule laid down in the letter of my noble Friend to the Duke of Leinster, required a registry to be kept in the school of the attendance or non-attendance of each child at his own place of worship. It was then said that there should be compulsory attendance; and under the National School system this attendance was at first enforced; but only for a while: it was objected to by Presbyterians and Church of England mem-

bers as opposed to their conscientious scruples, and has accordingly been abandoned during the last eight years. Now, those who will attend at these Colleges will have arrived at an age when they have, more or less, the right to think for themselves; and it would be harsh, if not unjustifiable, when the basis of these institutions is the exclusion of religious teaching, within the walls of the College, so far as State endowment is concerned, that there should be authority in the College to enforce attendance on any particular form of worship. I am therefore satisfied that any attempt, apart from the college instruction, at enforcing attendance on religious worship would signally fail. With regard to founding exclusive lay colleges, with the view of providing separate instruction of the different sects, we are of opinion that it would not be so effective as the measure we now propose, while I am sure that such a proposition would meet with the greatest possible opposition from this country. In endeavouring to extend to the middle classes in Ireland the benefits of collegiate instruction, I am persuaded that such a measure as the present is the only one that will be found feasible or admissible. Certain I am that some such measure is indispensably necessary. We propose it deliberately—we shall adhere to it firmly; and we feel assured that, based on such principles as those on which it is founded, it will not be rejected by the House of Commons.

Mr. *E. B. Roche* had been anxious not to address the House to-night, but after the fair and candid manner in which the right hon. Baronet had stated the course he meant to pursue with regard to this Bill, he felt compelled to make a few observations. He meant to join with the noble Lord the Member for Newark in opposing the further progress of this measure. He admitted the difficulty of dealing with the question of education in the present state of parties in Ireland, and he was ready to give his assent to what had been called the mixed system of education; but he could not but perceive that there were great difficulties in the way of carrying out this measure. By a mixed system of education he understood that the members of different sects and creeds should receive together the ordinary elements of education; that every facility should be given to the clergymen of different denominations to impart religious knowledge to those students who adhered to their form of worship. But his main objection was to the Government appointment of the professors. The right hon. Baronet said, you must leave to us the appointment of the professors, because I am determined that no professors shall be appointed in any of these Colleges who are likely to engage in proselytizing. That might be very well while the present Government remained in power; but how soon might they be removed, and who was to replace them? It was not long since they had been challenged to dissolve Parliament, when it was said the Ministry would be defeated. Now, suppose that were so, and that the Government was placed in the hands of such men as the hon. Member for Kent, what security would they have in Ireland that proselytism would not be the order of the day? He wanted some security that the Government, in appointing professors, should be responsible, not to public opinion in England, but to the general feelings of the people of Ireland. Then he wished to ask the hon. Member for Belfast, who advocated the system of Government, what would be the consequence if the appointment of professors were placed in the hands of the Government of the day? He did not fear the spread of religious infidelity—the people of Ireland were too religious and too moral for that—but there was a kind of infidelity which was nearly as bad as religious infidelity—infidelity to one's country. If the appointment of the professors were in the hands of the Government of the day, they would spread among the youth of Ireland infidelity to the interests of their country, and that he and every Irishman would deeply deplore. Neither would he agree to hold out to that class of Irishmen from whom professors were to be taken temptations to forsake their country's interests for sums of 300*l.*, or 500*l.*, or 800*l.* a year. He had great confidence in his countrymen, but nevertheless he was not prepared to say that they were altogether proof against temptation. He wished to have men in these colleges as free and unshackled as the professors in Trinity College, Dublin, or in Oxford or Cambridge; and, if they were not free, he would say, withhold your colleges altogether rather than give them what, in his mind, would prove a curse to the country. He did not wish for Catholic ascendancy; he believed the days

of all ascendancy were numbered; but he would prefer a separate system of education to such a system as was proposed by this Bill. He knew it would be objected to him that, by the course he was taking, he was preventing the Irish people from obtaining the advantages of education. He could not help that. Deplorable as their present situation was with respect to education, he would rather that they remained for a time left to their own resources, than be thrown upon such a system as this. He hoped a time would come when an enlightened Government would prevail in this country. He hoped they would not always be annoyed by those horrible principles of bigotry which actuated the people of England now; but still, if they refused them the boon on any other terms than the present measure, they were prepared to do the best they could themselves for the education of the people. They would write for them the history of their country. [An hon. *Member:* Who would read it?] The hon. Member might not read it; but he would tell him that the people of Ireland would read it. At any rate the blame of the want of education would rest on those who proposed this measure.

Sir *R. H. Inglis* said, the right hon. Baronet had referred, in a tone of gentle but marked censure, to an expression used by him in a former debate, when he presumed to characterize this scheme in a way which he was compelled to repeat from the taunts to which it had given rise, that it "was a gigantic scheme of godless education." What did his right hon. Friend say in answer to this charge? His right hon. Friend said, that he (Sir R. H. Inglis) had surely known his right hon. Friend too long and too well to utter such an imputation against him. Now, he could assure his right hon. Friend that he had never uttered that accusation against him, nor did he ever say that either the right hon. Gentleman or his Colleagues received this scheme as he received it, or viewed it in the same light as he viewed it. But, in his apprehension, it was as he had characterized it. He did not accuse the right hon. Gentleman individually: nor did he accuse the measure itself as being of an aggressive character; but it was a negation of all religion. What was the justification of the measure urged to-night by a leading Minister, who had charge of it? His right hon. Friend admitted that it was founded on the absence of religious instruction; that that might be right or wrong; but in the present circumstances of Ireland that was a necessary incident to any scheme of education. Now, that was admitting all which he had asserted it to be. His right hon. Friend had illustrated his position by examples drawn from the Universities of the three divisions of this great Empire. Into the case of Scotland he would not refer at that late hour of the night. But the right hon. Baronet had specially called the attention of the House to the religious education communicated in the Universities of England, particularly to Oxford, and more especially still to the College in which both his right hon. Friend and himself had received their education. He did not consider that House the place where he was called upon to give an account of what he had done or what he had neglected to do at Oxford. He admitted that opportunities were lost which could never be recalled; and he also admitted that much besides had been done which it was not necessary to advert to; but he would maintain that, if any young man passed through his University career without the regret which he had to feel, he might humbly thank God for it. Although he disclaimed being personally answerable to that House for his conduct at College, he felt called on to state that the imputation cast upon the general conduct of the College in question by his right hon. Friend was wholly without foundation. His right hon. Friend was utterly mistaken, if he supposed that the state of things to which he had referred existed now. It ought not to have been the case in his right hon. Friend's time, and he believed it was not in his own. In his time there was instruction in the general Christian faith, and in the Articles of the Church of England. One tutor in the University of Oxford had declared that he had matriculated 300 young men, every one of whom was more competent to answer questions on the doctrine of the Christian faith, and on the tenets of their own Church, than they would have been forty years ago, when they took their degree. Even if the lectures to which he had adverted were not given, instruction was secured by other means. Grotius and Burnet were studied. His right hon. Friend must know that theological knowledge did not come by instinct—that it must be encouraged and enforced—and that no young man could take his degree at Oxford without having re-

ceived such Christian instruction as he would convey to the young men in Ireland? At the College he himself attended, there were weekly lectures in divinity, and his right hon. Friend had not made such inquiries into the present state of things as would justify the statement he had made. He wished that the Colleges founded in Ireland under the auspices of the Government, would enjoy such advantages in classical and general literature, and such theological instruction, as were now enjoyed by the elder Universities of this country. He agreed, and it was strange that he should agree and publicly acknowledge his agreement, with the hon. Member for Cork (Mr. O'Connell); but he was not ashamed to agree with Mr. O'Connell as to what was the only legitimate education for an immortal being; that it was not by the establishment of lecture shops, but by teaching Christian duties and the foundation on which these duties rested. They ought to carry out the same principle as the Roman Catholic prelates advocated, and insist that religion ought to be made the basis of all education whatever. It had been asked by the hon. Member for Bath what had the Fallopian tubes to do with the Gospel; but he concurred on that point with those astute men the Roman Catholic prelates, that the incidental observation of a professor of anatomy might be effective in determining the faith of a student and make him a Christian or an infidel; therefore he did not blame those bishops; but, on the contrary, he adopted their doctrines on that branch of the subject to the fullest extent. And he was, moreover, of opinion, that the House should carry out that principle, and insist on religion being made the fundamental basis of all education. He was quite willing to admit that the connexion between religion and some branches of science were not in all cases obvious at first; but he would maintain that the teacher of any branch was capable of doing much good or evil according as he was disposed. Therefore he (Sir R. H. Inglis) could not but concur with the Roman Catholic bishops, though of a necessity he totally differed with them respecting the claim which they set up to the appointment of these professorships, and also as to the endowment of their religion by the State. He admitted the power of Parliament to establish whatever system it pleased; but he entirely denied its right to do so In the present instance Her Majesty's Government would have done better if they had made the established religion of the State the foundation of these Colleges, than to deprive the people of Ireland of all religion, as they proposed. He could not admit the principle of the noble Lord who moved the Amendment, that these Colleges should be endowed with funds for the support of the clergy of three denominations in Ireland; nor did he agree with his noble Friend who seconded it, that the demands of the Roman Catholic bishops should be conceded. The right hon. Baronet had pointed to his 400,000 pupils under the national system of education as a proof of success in the system about to be adopted; but if he were informed aright that system was not so impartially administered as to prevent proselytism. He did not deprecate proselytism, because it was an evidence of sincere belief; but he wished the House to take the right hon. Baronet's argument at its worth. The hon. Baronet concluded by stating that, though he differed in some respects from both his noble Friends, he concurred in the general object which they had in view, and he therefore hoped the House would adopt the Amendment.

Sir *J. Graham* explained that between the years 1810 to 1812, no student in Christchurch, Oxford, intending to take his degrees, was compelled to attend any theological lecture or instruction, other that at chapel, without sermon at the roll-call.

Mr. *Redington* thought no one could doubt the great advantages of an extended system of education; and every one who knew the state of Ireland must feel that it would be beneficial to all classes there. It was equally certain that every parent, wherever he sent his child to be instructed, wished him to be brought up in the same religious principles he himself professed. The question for him to ask was, whether he could adopt the system offered by the State, and accept its benefits without sacrifice of principle? There were two modes of education — individual and mixed. He had never heard of any objection to the latter. He had never heard it asserted that it was necessary for the Professor of Anatomy at Trinity College being a Roman Catholic. In fact, Roman Catholics were in the habit of studying anatomy in all the medical schools of Scotland and England. There was great advantage in having Dr. Buckland as a professor of geology, but he had

never heard, although that study was said to have a tendency to infidelity, that a geological professor should necessarily be a Roman Catholic. He thought the omission from the proposed plan of a theological professorship might be wise; but if the object was to prevent polemical discussion, that might be counteracted by the permission to found Protestant professorships. After what Hume and other historians had said of Roman Catholics, he should be glad to see a Roman Catholic professor of history, and was also desirous for a chair of moral philosophy. He thought that provision ought to be made for chaplains (not exclusively Roman Catholic, but also Presbyterian and Church of England chaplains) who should have the moral guidance of the youths in these Colleges. It would be wrong to suppose that the question of education in Ireland was settled by this Bill. That great end would not be accomplished until they either created endowments in a new establishment, open to all sects, or broke down the system of exclusion in Trinity College. He trusted that the Bill would go into Committee and be there amended, and made a measure of great importance to Ireland.

Debate adjourned.

House adjourned at half past twelve o'clock.

HOUSE OF LORDS,

Monday, June 2, 1845.

MINUTES.] *Took the Oaths.*—Several Lords.

BILLS. *Public.*—1ª. Small Debts.

Reported. — Indemnity.

Private.—1ª. Crediton Small Debts; Chester Improvement; York and North Midland Railway (Bridlington Branch); Dunstable and Birmingham and London Railway; Bedford and London Railway: York and Scarborough Railway Railway Deviation; Hull and Selby Railway (Bridlington Branch; Whitby and Pickering Railway; Spoad Inclosure; Stokenchurch Road; Scottish Central Railway; Southampton and Dorchester Railway; Taunton Gas; Midland Railways; (Nottingham to Lincoln); Yoker Road.

2ª. Whittle Dean Waterworks; Standard Life Assurance Company; Nottingham Waterworks.

Reported.—Blackburn, Burnley, Accrington, and Colne Extension Railway.

3ª. and passed :—Hemel Hempstead Small Tenements.

PETITIONS PRESENTED. By the Bishops of Exeter, Cashel, Rochester, Norwich, London, Oxford, Lichfield, Durham, St. David's, Bangor, Gloucester, and Lincoln, Dukes of Buckingham, Richmond, Newcastle, and Buccleuch, Earls of Harewood, Winchilsea, Clancarty, Bandon, Charleville, Roden, Falmouth, Scarborough, Malmesbury, Fitzwilliam, Verulam, Burlington, and Eldon, Marquesses of Salisbury, Ely, and Breadalbane, and by Lords Farnham, Denman, Kenyon, Faversham, and Wharncliffe, and by the Lord Chancellor, from Clergy and others of Blacktoft, and an immense number of other places, against Increase of Grant to Maynooth College. —By the Bishop of Tuam, Duke of Wellington, Marquess of Lansdowne, Lords Stanley, Denman, Beaumont, and Wharncliffe, and by Viscount Sidney, from Kerry, and several other places, in favour of Increase of Grant to Maynooth College.—From Killecken, and 9 other places, for Inquiry into the Course of Instruction adopted at Maynooth College.—From Jabez Bunting, President, and from Committee of Conference of the People called Methodists, praying to be heard by Counsel against the Charitable Trusts Bill.—From Masters and Pilots, Seamen of Trinity House, Kingston-upon-Hull, for Exempting a certain Charity from the operation of the Charitable Trusts Bill.

CASE OF MR. O'DRISCOLL.] The *Lord Chancellor* said, he wished to call their Lordships' attention for a few moments to the case of Mr. O'Driscoll. In consequence of what passed in that and the other House of Parliament a few nights ago, relative to the conduct of Mr. O'Driscoll, a communication was made to the Lord Chancellor of Ireland, who did what it was his duty to do, by directing an inquiry to be instituted. Before that inquiry was brought to a termination, however, Mr. O'Driscoll misconducted himself in such a manner with reference to proceedings in the Rolls' Court in Ireland, as, in the opinion of the Lord Chancellor of Ireland, rendered it necessary to dismiss him from the magistracy, and he had accordingly been superseded.

MAYNOOTH COLLEGE (IRELAND) BILL.] The Order of the Day for the Second Reading of the Maynooth College (Ireland) Bill, read.

The Duke of *Wellington:* My Lords, it now becomes my duty to solicit your Lordships' attention for a short time, while I state to your Lordships the principles of this measure, and the nature of the provisions which are submitted for your Lordships' consideration in this Bill, in order to carry into execution its object —namely, the maintenance of this institution of Maynooth. My Lords, this institution was founded fifty years ago by the Irish Parliament, and this Bill contains a recital of the provisions of the Act by which it was originally founded, and by which it was afterwards regulated, first in the year 1800, and subsequently in the year 1808. My Lords, it cannot be denied, and I do not stand here to deny it, that those Acts are inconsistent with the enactments of the code of laws by which the Reformation was established in this country and in Ireland; but, my Lords, though they are inconsistent with the en-

actments of that code of laws, I deny that there is, and I think I shall be able to show to your Lordships that there is not, anything inconsistent in those Acts with the religious principles established at the Reformation: that it was never so considered at any time, at the period of the enactment of those laws fifty years ago, or at any subsequent period, either in the year 1800 or in the year 1808, and that it cannot be so considered at the present moment. My Lords, in order clearly to understand the principle on which these laws were founded, it is necessary that I should call your attention to the state of affairs at that period at which they were enacted, and your Lordships will then perceive that the necessity for this institution was occasioned by the failure of the laws enacted for establishing the Reformation in Ireland. My Lords, those laws, the enactments of those laws, had been resisted in Ireland from the period when the Legislature had first passed them and they had become the law of the land. Plot had succeeded plot—rebellion had succeded rebellion—and the forfeiture of property had succeeded the forfeiture of property, until at length the country had become the seat of the operations of a foreign and civil war in a contest for the possession of the Throne. Then the penal laws—

The Duke of *Newcastle:* My Lords, I rise to order. I beg to apologize to the noble Duke and to the House for interrupting him, but as a preliminary to this discussion I think it right to put this question to the noble Duke, whether he has the Queen's permission to make this proposition to the House? [Cries of "Hear," and "Order."]

Lord *Brougham:* That is not to order. The noble Duke is not speaking to order, but, on the contrary, this is one of the most disorderly proceedings I ever witnessed in the whole course of my experience. The question of the noble Duke is one that should have been put, not as an interruption to, but after the noble Duke's speech.

The Duke of *Newcastle:* I wish to put the question, as it affects the Act of Succession, as it affects the nation, and as it affects individuals. ["Order, order!"]

Lord *Brougham:* My Lords, I rise to order. I will not sit here and allow any man to deny that we have a right to enter into—to continue and to close any discussion of any nature. The leave of the Crown is required in one case only, but may be given at any period of the discussion, and that is on a measure affecting the revenues or the patrimonial interests of the Crown.

The Duke of *Newcastle* was understood to say that he had previously asked the question, and had not received an answer, and he had now interrupted what he must say he thought a most improper discussion.

The Duke of *Wellington:* It must have been my infirmity that prevented my observing the noble Duke's question. If I had heard him, I should not have objected to answer any question he might think proper to put to me, though put in a disorderly manner, in respect to the course of proceeding in this House; but I did not hear the question, and whether it was that the noble Duke did not express himself clearly, or my infirmity prevented my hearing him, I do not know; but if it be your Lordships' wish that I should do so, I will now proceed. My Lords, I was stating to your Lordships, when the interruption took place, the causes of the measure of which recital is made in the Bill before you—I mean the Act of the Irish Parliament of 1795, which was occasioned, as I stated, by the failure of the laws that had been passed for establishing the Reformation in Ireland; and that after a long period of successive plots, rebellion, and forfeiture of property, a contest had ensued, and a civil contest, assisted by foreign forces, had been carried on in Ireland for the possession of the Crown. That contest had been succeeded by those Acts of Parliament usually known as the Penal Code; but which, my Lords, were enacted for the purpose of supporting the Sovereign on the throne, and supporting and protecting the reformed religion of the Church of England, as introduced into Ireland by the code of laws to which I have adverted. My Lords, from the period of the introduction of that code down to the year 1795, during which, as I have said, the Reformation could not be carried into effect in Ireland, the ecclesiastics for the service of the Roman Catholic mission had been educated—whether natives of the dominions of the Sovereign of this country or foreigners—had been always educated in seminaries in foreign countries. But, although this was the case, there were never wanting ecclesiastics for the per-

formance of the duties of the Roman Catholic mission in that country. In the meantime, during the reign of the late King George the Third, the Penal Laws had been repealed, the last of them in the year 1793, two years before the subject of the establishment of this institution was taken into consideration. My Lords, at that period the war with the French republic had already commenced : the arms of that republic had already conquered the Low Countries, and spread into the Catholic countries on the left bank of the Rhine, had overrun parts of Germany and Italy, and were established on the frontiers of the Pyrenees. In the several provinces of France which had taken part in the Revolution, the religious establishments had been put down ; but still I believe it would have been possible to have found the means of obtaining education for ecclesiastics of the Roman Catholic persuasion, for the purpose of serving the Roman Catholic mission in the kingdom of Ireland. But, my Lords, the Ministers of that day, and those whom they consulted in Ireland, did not think it expedient, considering the state in which the Continent was—considering also another circumstance, that within the last fifteen years the power of the Parliament of Ireland had been increased so far that it had become almost an imperial and independent Parliament—considering also the extent of popular power which had been introduced into the constituence of that Parliament, by the repeal of the Acts to which I have adverted, and in the year 1793 the last Act of the Penal Code—considering how much the power of the native population had been augmented over that Parliament in consequence of that repeal—I say the Government of that day on both sides of the water, in England as well as in Ireland, considered it their duty to endeavour to discover the means of establishing a native education for Roman Catholic ecclesiastics in Ireland, rather than trust any longer to the foreign education which they had received up to that period of time, and which there is no doubt they might have continued to receive after the period to which I have referred, viz., the year 1795. But, my Lords, they wisely, as I conceive, considered it desirable to keep foreign influence at a distance from the domestic concerns of that country, and accordingly they made the arrangement which is recited in this Bill, being the Act of 1795. My Lords, that arrangement was suggested by two successive Lords Lieutenant, each of them of political opinions differing from the other. The late Earl Fitzwilliam was one. He it was who first suggested the measure, and the late Marquess of Camden was the other ; and it appears that the measure was suggested to the Marquess of Camden in Ireland by men whose names will, I think, when I mention them to your Lordships, and you recollect the character they bore when alive, be an assurance to you that there could be, in their opinions, nothing in the institution thus proposed detrimental to the religious establishments of the country. They were the Lord Chancellor Fitzgibbon, the Archbishop of Cashel, the Earl of Shannon, Lord Cathcart, the Chief Justice of the Common Pleas, Chief Baron Yelverton, Mr. Speaker Foster, Mr. Wolf, the Attorney General, who was afterwards Chief Justice of the King's Bench, and Lord Kilwarden, who was afterwards murdered in the streets of Dublin, in 1803, during the insurrection that occurred then. The measure was recommended to Lord Camden by all these influential and distinguished individuals. It was by him sent over to England, and referred to the consideration of a most respectable and highly respected nobleman, the late Duke of Portland, who was then Secretary of State ; and he, it appears, consulted the opinions of the Archbishop of Canterbury, Dr. Moore, before he took the pleasure of his Sovereign upon it, and then returned it to Ireland with the approbation of his late Majesty George III. Now, my Lords, I say there never was a measure of which the history affords such strong security that it could not have been considered at all injurious to the religious opinions or establishments of this country. My Lords, the measure went back to Ireland with the approbation of the Government of this country, Mr. Pitt being at that time at its head ; and it was then carried in a Parliament elected exclusively, as I must beg your Lordships to observe, by Protestants ; and it was at that time never supposed that it could be deemed—it was never hinted even that it could be deemed—a measure dangerous in any degree to the religious establishments, or the religious opinions of this country. My Lords, I have stated who were the men by whom this measure was carried, and I may here add to their num-

ber the name of the late Lord Chichester, then Lord Pelham, who was at that period Chief Secretary of the Government for Ireland; and I must say, that in the list of men whose names I have given, there is sufficient security that, at least in their opinion, and in that of the public at that time, it was a measure of which no suspicion could be entertained. My Lords, I have thought it necessary, before going further, to call your Lordships' attention to this part of the subject; because I consider, from the petitions which have been laid on the Table, and from what I hear passing in public, that the principal objection to this Bill is the danger which is likely to result from it to the Protestant Church Establishment. My Lords, if that is the objection, I say the danger is altogether delusory; and your Lordships may pass the measure with perfect confidence. But, my Lords, there is one circumstance to which I must beg your Lordships' attention, because I think it is most important that this measure should be correctly understood; and that circumstance is, that this measure came to be taken into consideration, both in this and in the other House of Parliament, before the period of the Union; at the moment, in fact, when the Articles of that Union were under consideration. And I will here offer a few words upon the 7th of those Articles, which shows clearly to your Lordships that this and the other House of Parliament had entire confidence in the measure previous to the Union. These are the words of the 7th Article—

"That a sum not less than the sum which has been granted by the Parliament of Ireland, on the average of six years immediately preceding the 1st day of January, in the year 1800, in premiums for the internal encouragement of agriculture or manufactures, or for the maintaining institutions for pious and charitable purposes, shall be applied, for the period of twenty years after the Union, to such local purposes in Ireland, in such manner as the Parliament of the United Kingdom shall direct."

Did any one ever hear a word in this or the other House of Parliament against this measure at the time? No, my Lords, No; not one word. This measure was, my Lords, discussed in Parliament after the Union. It was discussed in the year 1808. There was, then, a difference of opinion between parties as to the amount of the grant which ought to be made for the support of this institution—that was the subject of discussion during different succeeding Sessions; but then, my Lords, the objection was made to the increase of the grant, and there was not one word on the religious principle; there was not one word of danger to our religious establishments resulting from this grant. It was thought that the grant was a large grant—that it was too much; and the large grant was objected to; but never was the grant objected to on the score of religious principle. Therefore, I do say, that the religious principle was considered safe at the time. It has, my Lords, been safe ever since, and it is safe at this moment. I come, then, my Lords, to call upon you to consider the expediency of continuing this institution. There can be no doubt of the absolute necessity of finding some means of educating the Roman Catholic priests for the service of the Roman Catholic mission in Ireland. It was stated at the time this institution was founded, that the population of Ireland was 3,000,000. It has advanced to the amount of 8,175,000—it was so in the year 1841, and probably it is now 8,500,000; and of that number, about the seven-eights are to be considered as Roman Catholics; and there can be no doubt whatsoever, whatever the numbers may be, that a very large proportion of the people in Ireland are Roman Catholics — that we cannot avoid their being Roman Catholics—and that we must find the means of providing them with ecclesiastics capable of administering to them the rites of the Roman Catholic Church—that we must have these ecclesiastics educated at home, or we must consent to and encourage the sending them abroad. It is very true, my Lords, that this country is not now in the situation in which it was in the year 1795, and in which it continued to be for a very considerable period of time; but I do say, that I do not believe, notwithstanding we are at peace with the whole world, and I trust we shall so continue—yet, my Lords, I do not believe that it is desirable that we should establish such a communication between those countries and that part of Her Majesty's dominions, as to send to foreign countries to be educated priests who are to administer the rites of the Roman Catholic Church in Ireland. I beg to recall your Lordships' recollection to the events of the last few years. You have, my Lords, seen dis-

turbances in Ireland which created considerable danger and alarm—you have seen disturbances having for their object the obtainment, by tumult and threats, of the Repeal of the Union between this country and Ireland. You have seen the interest which these transactions excited in foreign countries. You have seen foreigners flocking to Ireland, in order that they might attend at those tumultuous meetings. You have seen and heard, too, of subscriptions for promoting the object of these tumultuous assemblies. You have seen publications in foreign countries, and the interest felt in general in the transactions in Ireland relative to those supporting the question of a Repeal of the Union. Can you, my Lords, then think, under these circumstances, that it is desirable that you should depend for the education of ecclesiastics who are to administer the rites of the Roman Catholic religion in Ireland—can you think it desirable that they should resort for their education to these foreign countries? I do not, my Lords, say that the Governments of any of these foreign countries had any relation with any of the persons who manifested an interest in these illegal transactions. No, my Lords, I do not imagine any such thing—I insinuate no such thing. I am convinced, my Lords, of the contrary; but I know the facility with which any Government can take up and employ instruments, when once they commence to implicate themselves in such transactions. I warn you, my Lords, against the possibility of its being supposed safe, that you should leave the education of ecclesiastics for Ireland to foreign countries, under the existing circumstances of the country. But is there only this objection as to sending them abroad who are to be educated as ecclesiastics? I beg of your Lordships to look to the state of religion in all those foreign countries—in all those countries in which education must be sought for these ecclesiastics. Look at it, my Lords, in Germany; look at it in the Netherlands; look at it in France—look where you will, you can see the state of differences existing on the subject: and then I will ask you whether you think it would be desirable that we should receive ecclesiastics in Ireland from those countries, in order to give, in addition to the religious differences now existing, the differences which are to be found established in those countries? No, my Lords; and we now come forward to recommend to you to continue this institution, to continue a domestic education in this country of those ecclesiastics, whose services are necessary in order to administer the rites of the Roman Catholic religion to so many of Her Majesty's subjects as profess that religion. In bringing, then, this subject under your Lordships' consideration, and having shown you that there was nothing in this institution inconsistent with principle, and that it is at present as necessary as it was in 1795, I now beg leave to submit to you the proposition, that it is absolutely impossible to maintain it as it is. I laid Papers upon your Lordships' Table three days ago, representing the state of this institution, and which were submitted to Her Majesty's Government in the month of September last. I quite agree with what a noble Viscount said a few nights ago, that the institution as it is is not sufficient for the demand of educating the persons who are in it. The Paper I hold in my hand represents the ruinous state in which the buildings are: it states it is absolutely impossible that it can accommodate its inmates with what is due to common decency of manners and habits—that it can do this for the number of persons who must inhabit it — that it can afford facilities for study, or instruction, or space for carrying on the common business of such an institution—that the professors and others employed in the instruction of the students have most inadequate accommodation, and are rewarded in a very inadequate manner —that, in fact, the professors of science, of literature, and theology, are not paid higher salaries than are given to a common clerk. It states also, that in order to economise, to render it possible to continue the institution at all upon the sum granted by Parliament, it was necessary to send, not only the students but the very servants of the institution, those whose presence was necessary for the maintenance of order and cleanliness, to send them away during the vacation; and after all this, that the whole establishment has fallen into the most ruinous state. My Lords, however necessary it may be that this institution should be maintained for the purpose of affording education to the ecclesiastics, to the number necessary for performing the duties of religion in Ireland—for in fact, we know there are Roman Catholics there, and that they must have ecclesiastics to

perform the duties of the mission—however necessary these may be to this institution, still it is not equal to that purpose in its present state; and therefore it is that Her Majesty's Government have thought it proper, considering the nature of this institution, and the necessity of continuing it—considering, my Lords, that it is an institution formed by this great country, that it ought to be established on the same principles and on the same footing with other institutions, and that it should, on that account, be provided with the means of attaining the object for which it was instituted—that is, the proper education of ecclesiastics to perform the duties of the Roman Catholic mission in Ireland. It is desirable—and in that I agree with what I have often heard from a noble Friend behind me—it is desirable to elevate the character of those ecclesiastics. We all know that they must, and that they do, exercise great spiritual influence over the minds of those to whom they act as spiritual guardians; and we know also, that they possess great social influence. We should, then, seek to give them the means of being educated in such a manner that they can exercise a social influence most likely to lead to the public benefit and happiness of the country. These young men ought to have, as others have, as soon as they are capable of enjoying them, the common comforts and decencies and conveniences of life; instead of being packed up, three or four in one room, without the conveniences or comforts of life about them. We ought, my Lords, to endeavour to raise them a little, and to give them the comforts that belong to men of their class, and fitted for that situation in life in which they are to be placed. They ought to be instructed in literature and science, as well as in theology. They ought to have the apparatus; they ought to have the books; they ought to have professors to instruct them in all the branches of science necessary for the performance of their important duties, when placed in the situation of ecclesiastics in different districts throughout the country. I am aware, my Lords, of the prejudices against this institution, and against the persons there educated. I have, my Lords, nothing to say on that subject, excepting this, that an institution so low as it is represented to be by this paper, cannot have answered all the purposes the Irish Parliament intended it to have answered. The object, my Lords, of this measure, which Her Majesty's Government now proposes, is to raise the character of this institution; and that the character of those educated in it should be elevated, with a view to furnish ecclesiastics of the same character and station as those who administer the rites of the Roman Catholic religion in foreign countries, and for whom all must entertain the highest respect; and that they should be men educated in manners and habits to enable them to exercise a fitting influence over the social habits of the people, to which they ought to be entitled by their fortunes, by their situation, by their education, and by their acquirements. If this measure, then, has the effect of producing such men for the ministry, I say, we shall have rendered a service to the public, by introducing and recommending this Bill to your Lordships' attention. It is with this view we have introduced the present Bill; and I hope the measure will not be found inconsistent with principle, or likely to injure any religious establishment. I have now to call your Lordships' attention to the details of this Bill, and to show you how much of it is consistent with the enactment that exists, and where it diverges from it, and the reason why it does so. My Lords, I will first touch upon that which, I am aware has made some impression, namely, the clause which incorporates the institution. I beg of your Lordships to observe, that in point of fact the original institution was incorporated. By the original Act of Parliament, the Lord Chancellor, the Chief Justice, and others were appointed trustees and visitors of the institution, and were authorized to establish and endow a seminary for the education of the Roman Catholics. The original Bill gave them the power of purchasing land to a certain amount, and gave them the power of making by-laws for the government of the establishment. A subsequent Act, after altering the visitatorial establishment, and the establishment of trustees, gave to the trustees established by that Act, additional powers belonging to a corporation—that is, enabling the trustees to sue and be sued by their secretary; which, I believe, is a power given solely to corporations. It was found in a very few years that the institution was not technically a corporation, and was, as such, incapable of managing its affairs. A third Act was then passed, giving it additional powers, and enabling

it to purchase property. It was still, however, found that the power given by that Act was not sufficient to enable the trustees to manage their affairs. The further powers to be given to them are in the Bill upon your Lordships' Table, and under your consideration; and by this Bill the trustees are to be incorporated, and the property now held transferred to this corporation, and it is to have all the powers of other corporations; and further, a power is to be given to it of purchasing land or property to the amount of 3,000*l.* a year; and considering, my Lords, the greater extent of this institution, and the larger number of persons for whose instruction provision must be made, it does not appear an unreasonable proposition. The next provision is as to the salaries of the President and Professors. I have already stated to your Lordships that the salaries given to those persons is really not sufficient for them to perform the duties necessary in the service of the institution. There is not paid to those professors a sum higher than what is paid to clerks—they do not receive more than 112*l.* or 120*l.* a year. That which we now propose is not to bring constantly before Parliament the details of the wants of these persons; but to leave this to the institution itself—to grant it a particular sum, and leave to the institution itself the distribution of it, taking care that each individual should receive the sum allotted to him, and to have that account verified before auditors. It is then proposed to continue to the students of the senior class, the exhibitions, which are stated in the Schedule, amounting to 40*l.* a year each, in addition to what is received from the Dunboyne grant, in order to enable them to fit themselves out as they ought to be, to proceed on the ministry to which they are soon likely to be removed. They have already had 700*l.* distributed amongst them—we are now giving them 800*l.* for the same purpose—but we propose to make it 40*l.* each, an even sum. Then, it is proposed, with the same view, to give certain exhibitions to 250 students in the three senior classes of the institution. The object of this is to enable those who might be brought into the institution in their youth, and who are not exactly provided with the means of fitting themselves out, when they come to the higher classes, to procure for themselves the comforts and decencies suitable for those who have been educated for, and are about to be employed on the mission. There is but one other item to which I wish to draw your Lordships' attention, and that is the general expense of the commons of the establishment. Your Lordships will see that the whole expense is 28*l.* for each student; for the whole year it comes to 1*s.* 6*d.* a day. I am sure your Lordships will not think that 1*s.* 6*d.* a day, being all the expenditure of a youth on the establishment, can be more than is absolutely necessary. It is true it has been done before for 23*l.* instead of 28*l.*, but in such a manner as to be quite a disgrace to the institution. I do not think, my Lords, you will consider it an extravagant proposition. The next point, then, to which I have to call your Lordships' attention, is as to the payment of the expenses attending the institution from the Consolidated Fund, instead of by an annual Vote by Parliament. It is a larger grant, and undoubtedly on a more expensive scale than the former one; but I think I have shown your Lordships why it cannot be otherwise, if it is to be of any use. Well, then, I beg your Lordships to consider that the education to be afforded at this institution is one which is to last five years—at least five years—that the professors and all concerned in the instruction there must be engaged, and permanently, in the performance of these duties. Surely, then, it cannot be expected from them that you should engage men of ability, of science, of education, of literature, and that they should devote themselves permanently to perform their duties upon the promise of an annual Vote of Parliament, which is liable to be disputed and withheld every year. I confess, my Lords, that I listened with great pleasure to some remarks made a few weeks ago by a noble Marquess, whose attention had been drawn to the subject by the petitions presented to the House in favour of making the grant a permanent one, stating, at the same time, that he highly approved of making it permanent, with a view to put an end to perpetually recurring annual discussions on this question. I confess that these remarks of the noble Marquess made a deep impression upon my mind; and I consider nothing more wise and politic than that you should make the grant perpetual—if it were only to put an end to those discussions which are annually recurring on a grant in the maintenance of which the convictions of so many persons are implicated in the one country, and in refer-

ence to which there is so much feeling, and perhaps prejudice, manifested in the other. I think it, therefore, most desirable, that your Lordships should pass this Bill, for this, if for no other object—that, by thus making this institution so far permanent, by making the grant chargeable upon the Consolidated Fund, you will thereby avoid the discussions which perpetually arise, upon the demand made for the annual grant. I have already said to your Lordships that the grant conferred upon this institution involves no religious principle. It never did involve any such principle, and cannot do so now. I beg leave to remind your Lordships, that you have now maintained this institution for fifty years, during twenty years of which time you were engaged in war. You have maintained it since through long periods of agitation, and during the discussion of many mighty questions affecting the interests of Ireland—during a period when you have had the Roman Catholic Association, and other bodies, against whom you have had to make enactments, and during which you have had coercion Bills and other measures of that description. Many of these discussions were put an end to in 1829; but I cannot say that Ireland has since been in a tranquil state. On the very morrow of the day on which the Bill of that year was passed, measures were taken for the purpose of exciting discussion and agitation on the question of a Repeal of the Union. We have had a good deal of tumult and a good deal of difficulty upon that question; and particularly during the three years, up to 1843, have events occurred there which have excited a good deal of anxiety in the minds of some, and a good deal of terror in the minds of others. I have drawn your Lordships' attention to these circumstances, and stated the effects which they produced in foreign countries. Many doubted whether it would be possible to resist the attempt made to carry, by tumult and violence, a Repeal of the Union. My Lords, whatever may be the opinion entertained of the legal effects of the decision of your Lordships' House on the writ of error, delivered in the month of September last, I believe that there is no man in his senses who now doubts that it is absolutely impossible—utterly hopeless—impossible, I say, to carry any measure by violence and tumult in Ireland — to carry any measure, against the wishes of the Government and Parliament of this country. I believe no man in his senses now doubts that fact, and that that is the situation in which, on this day, and at this period of time, your Lordships stand in taking this question into consideration. And I now entreat your Lordships to observe, standing as you do at this moment in strength, and without any danger whatever pressing upon you, and knowing, as you do, that the great body, at least the principal part of the persons concerned in these tumults and acts of violence were of the Roman Catholic religion (although there are many exceptions, for I believe that there are many Roman Catholics who are as much attached to the Union as any of your Lordships)—I beseech your Lordships to take into consideration that you are in this position of strength at the present moment, and to consider whether, having maintained this institution, as you have done for fifty years, it would not look a little like persecution if you were now to turn round and withdraw your support from it, if you were now to turn round and say, "We are aware of the necessity of its continuance, but we cannot go on longer affording it the meagre support which we have hitherto given it." I have already told your Lordships that there is no religious principle involved in this question; but there is a great Christian principle involved in it—the principle of abstaining from persecution; and if you are strong, I say it is your duty not to persecute the weak. It is your duty not even to appear to persecute the weak; and I entreat your Lordships to stand by me in enforcing that principle, and to give your unanimous assent to the Bill, the second reading of which I have now the honour of proposing to your Lordships.

The *Lord Chancellor* having put the question,

The Duke of *Cambridge:* My Lords, I am not often in the habit of troubling your Lordships, but I feel that on such an important question as this it is my duty not to give a silent vote. Attached as I feel, and have always felt, to my own religion—the established religion of the country—I am sure that if I could convince myself that any the least danger of injury could accrue to that religion by the passing of this measure, I should be the very last man to give it my support. I have well weighed the subject in my own mind, and I am fully prepared to confess that to

my mind it appears that such is not the case. I look at the question, my Lords, as a political question, and not as a religious one. I look upon this Bill as most important, being one of the most conciliatory measures proposed for a long period. From the statement which has been made by the noble Duke as to the state in which the College of Maynooth now is, it is perfectly clear that with the grant originally conferred upon it, and continued on the same scale down to the present day—it is impossible that we can procure proper and competent teachers to educate the pupils. I was never in Ireland myself, but the description which I have heard of the state of ignorance which pervades that country, and which is, in a great degree, attributed to the state in which the priesthood are found, has convinced me that it is surely the first thing for us to wish and to effect, to establish a better state of teaching in that country, and thus produce a better state of things. Without proper teaching and training, we cannot expect to secure good schoolmasters or schoolmistresses, much less can we expect, without good teaching and discipline, to have good priests. I really believe that this is the most conciliatory measure that has for many years been brought before your Lordships. I hope and trust that in its effects it may turn out so, and I have every reason to believe that it will do so, and I think that the Government deserves great credit for maturing and introducing it. I beg pardon for detaining your Lordships, but I could not refrain from briefly stating my determination to support the Bill.

The Earl of *Roden* said, it grieved him at all times to differ from the noble Duke who had introduced this measure; but particularly to differ from him on a question involving the vital interests of this country. He should, however, be guilty of a great dereliction of duty, as a Member of their Lordships' House, and standing in the position which he did with his Protestant fellow countrymen, were he not to take the earliest opportunity of endeavouring to stop the progress of this Bill; concluding, as he would, with an Amendment that before they proceeded any further with this measure, they should appoint a Select Committee up stairs to inquire into the nature of the instruction which was given in that seminary which Parliament was now for the first time called upon permanently to endow. There were circumstances connected with that subject which made it both painful and difficult for him to speak freely upon it; for he was aware that he must trench upon the religious opinions of some of their Lordships; and he could assure the House that he had no sympathy with the man, be he who he might, who had no feeling, no respect, for the religious sensibilities of others, or who would, without compunction, even in the path of duty, utter one word which might inflict pain on any individual whatsoever. But, as in the course of the discharge of his duty upon the present occasion, he should be obliged to make use of expressions, and to refer to documents which might not be agreeable to some of their Lordships, all he could say was, that he should do it with pain, and that he would not do it at all, if it were not necessary so to do for the furtherance of the object which he had in view. He had now for a long series of years been a Member either of that or the other House of Parliament. During that time, both as a Member of that and of the other House, he had always thought it inconsistent with the duty of a Protestant Government to vote even an annual grant to the support of a Roman Catholic institution—that of the College of Maynooth; and he had not hesitated, whenever the opportunity offered, to express his opposition to such a grant. He would then ask their Lordships to consider how much more he must be opposed to such a measure as that which was now before them, differing not only in degree from their former course, but differing from that course also in principle. He would have their Lordships consider for a moment this important point—that, by continuing the annual grant as before, instead of voting a permanent one for Maynooth, there was an opportunity afforded to Parliament, at all events, of taking an annual retrospect, if Parliament so wished, of the proceedings of the institution to which the grant was made. So long as the annual grant continued, the College was a Roman Catholic institution, supported, it was true, and tolerated by the State; but the moment that they admitted and acted upon the principle of endowment, that moment the College of Maynooth became a State institution, for which the State was responsible; and he defied any noble Lord to show him in this Bill any one line, any one word, which enabled the State to discharge itself of its respon-

sibilities as regarded this College. He could not regard this question as his noble Friend the noble Duke regarded it, as a mere question of pounds, shillings, and pence, nor could he look upon it merely as a measure of a political tendency. He could not but look upon it as a measure which involved the conscientious and the religious feelings of the great majority of the Protestants of this Empire. If he wanted any proof of what he now said, he had only to refer their Lordships to the petitions which had been laid upon their Lordships' Table; and he was sure that they must agree with him, that he was not expressing himself too strongly, when he said that at no former period, certainly none within the bounds of his recollection, were there ever so many petitions poured into that House, was there ever so much anxiety shown on any subject, as was now poured into the House, or as was now shown with reference to this Bill. These petitions, they would give him leave to say, had emanated from men, many of them in the middle classes of society, many of them belonging to the higher orders, and many of them treading the humble walks of life. And, if they read these petitions, they would see that what he said was the fact, that they emanated from individuals who were well acquainted with the subject to which they referred — ay, and their Lordships would forgive him for saying so — as well acquainted with the subject as were their Lordships themselves. They proceeded from men, expressing themselves, not under the bias of political party—not to gain a political object — but who, expressing the dictates of their consciences, could not agree to do that which they conceived to be contrary to their duties and consciences as Protestants. He begged also that they would consider another point—that these petitioners consisted of persons of all classes, of all denominations of religion in this country, and of all shades of political party. They had petitions from the members of the Church of England, from the Wesleyans, the Independents, the Baptists, from the Free Church of Scotland, and from other denominations of Protestants, all of whom had laid aside their partial differences, those peculiar feelings and views which they had on many subjects, and had united in what he must call this holy union, to resist what they believed to be contrary to that word of truth, whence they derived their opinions, and resting on which they felt that they stood on firm and immoveable ground. In some of these petitions, and he himself had presented many of them, and read many, he found that the petitioners drew the distinction to which he had already referred between toleration and endowment; and in doing so he found that they followed the opinions of many men—great men—men who had lived in this country, and who adorned its history, and some of whom, if he were to name them, would, he was sure, be acknowledged at once by their Lordships to be worthy of being quoted as authorities. One of them spoke in the House of Commons some years since in a debate upon this very College of Maynooth, and he would take the liberty of reading a brief quotation from what he had said on that occasion. He was an individual who stood high in the estimation of all who knew him. He (Lord Roden) had the happiness and the honour of knowing him most intimately—he loved him while he lived, and honoured his memory now that he was gone. He had only to mention the name of Wilberforce, to secure for his opinion that attention which it deserved, and from none more so than from his noble and learned Friend opposite (Lord Brougham); for the noble and learned Lord loved him well and valued him much; and he (Lord Roden) thought that he was acting but right in quoting him upon a subject of this importance, when the quotation was apposite to the subject. In the year 1808 there was a question before the House of Commons on the subject of Maynooth. Mr Wilberforce, then speaking of toleration, said—

"Toleration, as explained both by Mr. Locke and Rousseau, was to leave to others the right of professing and teaching their own religious principles in their own way, as far as was compatible with the peace and security of society. This degree of toleration was denied to Ireland some years ago, but it was now extended to that country; and, as far as an establishment was supported at the public expense for the purpose of instructing a particular class differing in sentiment from the established religion of the country, we went beyond the bounds of toleration, and, instead of acting upon the principles of bigotry and intolerance, we exercised a degree of liberality unknown in any other country. When he recollected the history of past times, it was impossible for him not to be jealous of the Roman Catholic religion. We could not judge of the nature and tendency of this religion from its influence on certain individuals of high rank, whose minds were liberalized by intercourse with the most refined classes of society; the only way to judge of it was to see

its effects upon the great bulk of the people. No man was a greater enemy to persecution or a greater friend to toleration than he was; but he hoped to be forgiven for entertaining some solicitude that the Protestant religion should at least have fair play."*

Such was the language of Mr. Wilberforce; and he must say, that amongst their Lordships there could not be many, if any, who would not say that the Protestant religion should have fair play. He would show them, that as this Bill would act in Ireland, the Protestant religion would not have fair play. He would show them this by referring to other documents and authorities before he sat down. He could not help agreeing with Mr. Wilberforce when he remembered the history of past times; he could not help agreeing with him, and being jealous of the Roman Catholic religion, and particularly so when he remembered that one of the principles of that faith was, that it could not change—a principle which was fully and honourably admitted the other night, by a noble Lord, whom he then saw in his place. The Protestants of Ireland were feelingly alive to the fact, that—as respected these institutions, established in that country for the purpose of upholding the Protestant religion—they had not fair play. During the last few years all public grants had been withdrawn from most of the institutions in Ireland, which were in connexion with the Protestant Established Church. He could name to them many of these institutions:—There was the Incorporated Society—there was the Society for Discountenancing Vice—and, above all, there was the Kildare-place Society. As to the last which he had named, the public grant was withdrawn at the very period when it was in such active operation, and when it was so beneficial to the country, in its endeavours for the promotion of a united education in Ireland, that he would venture to say there had been no society or institution since which had equalled it in that respect. The Government of the day, on the ruins of that society, established the National School Society, contrary to the tenets and opinions of the great majority of the Protestant hierarchy of that country, and contrary to the feelings of the Protestant laity. Whatever good that society might be doing, all he could say respecting it was—as he knew to be the case in his own part of the country—that it had completely failed as a system of united education. There was another circumstance connected with this very measure, which, he thought, was a proof that fair play was not given to the Protestant Church in Ireland. The Church established the Church Education Society, under the control and under the direction of the majority of the hierarchy of the Church, for the purpose of educating the children belonging to the Church in the tenets and doctrines of the Church; and yet the Government refused, and still refuse, to give any aid to that institution, whilst they called on their Lordships to adopt this Bill, to pay and to endow an institution for the education of the Catholic priesthood, for the purpose of extending throughout Ireland the Roman Catholic faith—a religion not only different from, but hostile to the religion professed and maintained by the Established religion in that country. Whatever persons might say upon the subject, he could not think that any fair or candid man could acknowledge that such a course towards the Established Church was in the spirit of what Mr. Wilberforce designated fair play. He had listened with great anxiety to hear from the noble Duke that night what were the principal arguments which he had to advance for the introduction of this measure, and to see whether they would agree with those which had been advanced in another place. What was generally said there, and on which the argument in favour of the Bill was principally based, was this:—Two grounds were urged; one of which was, that this was a measure which was to give peace to Ireland, that it was a measure which was to produce conciliation, and to pacify the Roman Catholic party in that country. To the other his noble Friend the noble Duke referred, when he said, that it was to promote a better system of education amongst the clergy of the Roman Catholic faith. Now, he thought he should be able to show their Lordships that neither of these objects were likely to be attained. With respect to the first argument, that this measure was to produce conciliation in Ireland, that it was a measure which would be received there by the Roman Catholics with gratitude, and that it would be the means of producing a great and beneficial change in the state of affairs in that country; there was no man more anxious than he was himself to do anything that

* Hansard (Old Series), xi. p. 124.

would conciliate his Roman Catholic fellow countrymen, provided he was not called upon to act contrary to what he conscientiously believed to be his most sacred duty, or to compromise his principles. To any measure which was contrary to his principles he never would consent—believing, as he did, that in public as in private life it was always bad policy to do evil that good might come of it. With regard to this Bill, he could not conceive that that which he believed to be evil in itself, could ever produce that benefit which it was thought by some it would produce. In Ireland had it not been received as a measure extorted from the Government by fear? Instead of being received as an act intended to conciliate, it had been received by the Roman Catholic bishops—by some of them at least—by the Roman Catholic priests—by many of them at least—as a measure extorted by fear. If it were so received they must make up their minds to forego all the benefits which they expected in the way of conciliation. In proof of what he now said he would take the liberty of reading to the House extracts from two documents, one from a Roman Catholic bishop, and another from a priest, living in different parts of Ireland, respecting the measure in question. The first was an extract from a letter written by the Roman Catholic bishop of Ardagh, Dr. Higgins. The rev. Gentleman thus wrote:—

"Much has been said about the gratitude we owe for the grant to Maynooth, but I confess that I for one, and I am joined in the sentiment by the priests and people of this diocese, feel no gratitude whatever. In the first place, our own energies and determination wrung that paltry sum from a bigoted and Anti-Irish Cabinet. Nor shall we ever thank the rich glutton when he disdainfully flings us the crumbs from his table. Secondly, the grant is so miserable in amount, that it can only be looked upon as a sheer mockery. There are about eight million Catholics, and the grant would be about three farthings yearly to each. Does the childish Minister imagine that the Catholics of Ireland would not give annually three farthings each for the education of their revered clergy? Or does he so far deceive himself as to believe that any one Irishman would sell his birthright for that miserable sum? It would appear, however, that he does actually indulge in this extravagant delusion, and expects that we shall sit down contented with a mock representation, bad laws, bad partisan magistrates, a domineering and robbing corporation called a Church Establishment; in short, that we will patiently endure every misrule, misrepresentation and oppression, and all this for the yearly sum of three farthings a head. It is creditable to the Irish Catholics that not one of them could be found mean enough to ask or petition for this ridiculous pittance. It is really a shame to see a man at the head of any Government who is capable of entertaining such monstrous reveries as those exhibited by our Premier. We want and demand a repeal of this iniquitous Union. There is no other remedy for the wrongs of our country. It would make us happy, and England secure. If the latter country refuse that repeal, for the present we will peaceably and constitutionally bide our time, and with the most devoted loyalty to the Monarch of these realms, we will commit our cause to a merciful Providence, and to the sympathies of the civilized world."

This was the gratitude of a Roman Catholic bishop, and, according to his own account, of his diocese also, for this Bill. The other was from a letter written by a Roman Catholic priest in Clones, in the county of Monaghan, and was written in excuse for his non-attendance at the great meeting in Dundalk. In this letter he said, that—

"It has become fashionable of late to compliment the Prime Minister on his sudden and very unexpected conversion to an enlarged and very liberal system, a conciliatory and liberal policy, towards Ireland. An infirmity so amiable and so congenial to the quick and forgiving temper of Irishmen, is certainly entitled to toleration; but, whoever recollects his threats of force, which we defied, his armies, which we scattered, his quirks of law, which we defeated, and his atrocious Bequests Act, which we all anathematize, will maintain an incredulous silence until the curtain has fallen on the last act of his political drama. The little Sir Robert Peel has done, and the extended concessions of right he promises, fall far short of the wants and wishes of the Irish people. Our want, our wish, our fixed determination, is one and single, and unsuppliable by any other boon, or any other extension of justice, into which his fears may cause him to stray—we want Repeal! Let us take whatever is offered as an instalment. Every concession, however small, is a step higher on the steep ascent to freedom. It was not the justice of the British Cabinet, nor the fawning sycophancy of its abettors on this side of the Channel, that effected the singular change in Downing-street which amuses the reflecting mind of inquiry. It was the sacred influence of fear. It was the cataract voice of the people. It was the prophetic spirit of O'Connell viewing the future through the light of past history; calculating the circumstances, combining the force, edging the sharpness, and directing the aim of public opinion through Europe and the world, that wrought this miracle of benevolence, this distant approach to justice. The same power is still in

the hands of the people. The same tried leader at their head—the same hated foes before them. 'Go where glory waits you.' I may not mix in the ranks of combat, but I will bless your arms, and may victory crown your exertions!" [*Laughter.*]

Their Lordships might laugh at the language he had quoted, but it had its effect in Ireland, and was received there with very different feelings from those which it excited in that House. Let it not be supposed that he coincided in the opinion that this measure was granted through fear. Far from it. He believed that so popular was it expected to be, that it was believed that after it should have passed, Her Most Gracious Majesty could visit her Irish capital in perfect safety. On the other hand, he believed the promoters of the measure little thought what feelings it would excite in the breasts of the Protestant people of England and Ireland. What had been the effect in Ireland? No sooner had a voice gone forth from St. Stephen's declaring the satisfaction felt by the Government that this measure of conciliation had been despatched, before a dark cloud appeared in the western horizon, accompanied as that declaration was by an avowal that it was impossible for the Government to put down agitation by force—no sooner had these sounds reached Conciliation Hall, than immediately agitation burst forth anew—programmes were issued of monster meetings, one of which had been already held at Dundalk, and another at Navan—one was to be held in Cork. He had also seen in the newspapers that a fourth meeting was fixed to be held on the 1st of July, on the banks of the Boyne. Now, he asked, was this affront to the Protestants of Ireland to be suffered by Her Majesty's Government? was it to be permitted that one of these monster meetings should be held on the 1st of July on the banks of the Boyne—on the very spot and on the very day that William III., of glorious and immortal memory [*A laugh*], yes, of glorious and immortal memory!—on the very spot where he fought and bled and gained for England those liberties which she had ever since enjoyed;—was it possible that the Ministry would allow the feelings of the Protestants of Ireland to be so outraged? Did not the Government owe something to those brave men who, at their request, gave up their loyal meetings on that day when it had for years been their custom to celebrate the principles and victories gained on the 1st of July on the banks of the Boyne? Contrast that expression—that it was impossible to put down the agitation for Repeal by force of arms—contrast it with what was done by the Government in 1843. That year was called the great repeal year. Great excitement and alarm prevailed in consequence of the events that were passing. Persons living in the country parts of Ireland, not knowing what might happen in consequence of the monster meetings which were spreading over the country, betook themselves with their families to Dublin. Some who had the means came over to this country, and others sought in foreign lands that peace and safety which they could not obtain at home. Was this fear groundless? The Government at least did not seem to think so. Why, they fortified barracks, and sent to the coasts of Ireland armed ships to take off those loyal subjects who might be exposed to danger. That was a proper precaution, and one which reflected the highest credit on the Government; but it showed that the fears which were entertained were not groundless. At length the Government met and fronted the evil at Clontarf, and the immediate result of that one exhibition of energy and courage was that the Repeal funds fell below par—the members of the Repeal Society sunk their diminished heads—and their leaders, although they were not silenced, used very different language from what they had done before. This was followed by an interval of prosperity and happiness, such as the people of Ireland had scarcely ever before known. Excitement ceased, and railroads, commerce, and improvements occupied the minds of all. Now, however, this unhappy and uncalled for measure was made by the agitators a means of disturbing that peace and interrupting that prosperity, and was producing monster meetings again, which, he said in the presence of the Government, if suffered to continue must end in the destruction of the prosperity, the happiness, and the peace of the country. The second reason alleged by the noble Duke in support of this Bill was, that it would give the Irish priesthood a better education. Now, he did not find a single clause or a single line which tended to secure a better education for the Irish priesthood. It would indeed allow a great extension of their numbers; but there was nothing to prevent the same system of education from being continued. And here he might ask, what had Maynooth done to call for this increased and permanent endow-

ment? If the character of the institution was to be judged of by the conduct of the priests who had been educated there, he believed their Lordships would not be enabled to form any high opinion of it. His attention had been called to an account published by Mr. Inglis of a tour made by him in Ireland in 1833, and in it he found the following passage:—

"I entertain no doubt that the disorders which originate in hatred of Protestantism have been increased by the Maynooth education of the Roman Catholic priesthood. It is the Maynooth priest who is the agitating priest: and if the foreign educated priest be a more liberal minded man, less a zealot, and less a hater of Protestantism than is consistent with the present spirit of Catholicism in Ireland, straightway an assistant red hot from Maynooth is appointed to the parish. In no country in Europe, not even in Spain, is the spirit of Popery so intensely anti-Protestant as it is in Ireland."

Many events which occurred in Ireland proved the truth of these observations of Mr. Inglis. He could refer to one circumstance within his own knowledge. At Dingle, in the county of Kerry, within the last few years, the Scriptures, in the Irish language, had been disseminated amongst the people, and the consequence was, that many of them—to the number, he believed, of 800 souls—left the Roman Catholic Church, and joined the Protestant. Nor did these consist merely of the lower classes; for among them was one Roman Catholic priest, and several persons of the higher classes in life, one, he believed, being a magistrate. On this account the converts were subjected to the most violent persecution, and he could not better explain that treatment which they experienced than in their own language in a memorial to the Lord Lieutenant:—

"Memorial from the inhabitants of Dingle dated 9th of January, 1845:—That memorialists and their families were formerly in communion with the Roman Catholic Church. That memorialists, from what they believe and profess to be conscientious motives, have withdrawn from the communion of the Roman Catholic Church, and joined that of the Protestant Establishment. That memorialists have suffered reproach and persecution, more or less, from time to time; but, for the last four months, memorialists have been and still are suffering grievous persecution and loss as converts from the Church of Rome. That, when memorialists pass through the town of Dingle and the surrounding district, they are insulted and provoked to a breach of the peace by many persons shouting at them, using opprobrious and threatening language, and sometimes throwing stones. That memorialists have had frequent convictions before the magistrates and assistant barrister, against persons for waylaying, assaulting, or threatening, in cases where they knew, or could discover, the parties so offending. That memorialists themselves have not been charged with any such crime. That memorialists cannot purchase the necessaries of life in the markets and shops, the people refusing to sell to them, or have any dealings with them as converts from the Church of Rome. That memorialists have reason to know and believe, that this state of things is entirely owing to the preaching of the priests of the Roman Catholic Church, from their altars. That memorialists are constantly exhorted by their respective ministers, in public and private, to peace and good will to all men, even their persecutors and slanderers. That memorialists desire to testify that their Roman Catholic neighbours are well disposed towards them, and that they are at peace and good will with each other, when the Roman Catholic priests do not excite them against memorialists. That memorialists do not feel themselves, and their families, in the enjoyment of that safety and liberty which is the right of every subject of Her Gracious Majesty; that sad consequences are apprehended if such a state of things be allowed to continue. That memorialists are prepared to prove their statements, and appeal to a humane Government on behalf of themselves and their families, who altogether amount to above 800 souls."

Answer:—

"*Dublin Castle, January* 14, 1845.

"Sir—I am desired by the Lord Lieutenant to acknowledge the receipt of your letter of the 9th instant, enclosing a memorial from certain converts from the Roman Catholic Church, and to acquaint you, that while his Excellency must deeply regret that any person should be exposed to personal inconvenience or insult, on the score of religion, they can scarcely fail to be aware that it is not in his power to afford any remedy for the inconveniences they describe themselves as suffering, and that the ordinary course of law can alone be resorted to by them for relief.—I am, Sir, yours, &c.,

"E. LUCAS.

"To the Rev. Charles Gayer, Dingle."

Whether this answer could have been satisfactory to these poor persecuted people, he would leave it to their Lordships to say; but in a court of law a subsequent trial did take place, in which every circumstance stated by the memorialists was proved. He, therefore, thought that Mr. Inglis was justified in saying that not even in Spain was the spirit of Popery so anti-Protestant as in Ireland. But the case of Dingle was not an isolated

one. Poor Protestants were subjected to similar persecutions in different parts of Ireland. He had been very anxious to state to the House what was the degree of loyalty prevalent in the College of Maynooth. For information on that point he had turned to the evidence taken before the Select Committee appointed to inquire into the state of Ireland in 1825; and there he found the examination of Mr. O'Connell on this subject; he said:—

"The priests who were educated in France were very strong anti-Jacobins . . . . . by that means there was among them a great deal of what is called 'ultra-Royalism;' but with the priests educated at Maynooth the anti-Jacobin feeling is gone by, and they are more identified with the people; and therefore, in the phrase that is usually called loyalty, they do not come within the description of it so much as the priests educated in France."

From this he inferred, that there must be something in the education given at Maynooth which did not tend to promote loyalty among the students; and in this he was confirmed by a statement made by a gentleman who had himself been educated at that College. It was necessary to state how he (Lord Roden) became acquainted with these circumstances. As with the Roman Catholic so with the Protestant Church, there were cases of persons going over from each of them to the other. But there was a great difference in the effect of that change upon the Catholic adopting the Protestant faith, compared with the Protestant changing to the Roman Catholic persuasion. There were some cases of Protestant clergymen having gone over to the Catholic Church, and become priests in it; but by doing so, they incurred no risk, no blame, no shame; the Church they left did not persecute them—the Church they joined received them with open arms. It was not so with the Roman Catholic priest. When he felt in his conscience he could no longer remain in the pale of the Catholic Church, and entered the pale of the Church of England, the effect on him was a very different one. He (the Earl of Roden) had received several letters from Catholic priests in Ireland, telling him that their consciences would not allow them to continue clergymen of the Church of Rome, and asking him what they were to do? He knew that these unfortunate men would be persecuted by the Church they left, and suspected by that which they joined, and he was not able to give them an answer. But some humane men had formed a society in Dublin, for the purpose of receiving these poor men; it was called the Priests' Protection Society, and received none but priests who were of unblemished character. There had been a meeting of this society recently held for the purpose of petitioning against this Bill; he having been asked to take the chair, attended it. There was a gentleman present who had been educated at Maynooth, and he was asked to state what he knew as to the loyalty of the College. He said, that with respect to anything connected with the confessional, his lips were sealed; but he had no objection to state what he knew and had seen within the College. He said—

"The first Session held at Maynooth subsequent to the entrance of fresh men into that seminary, it is supposed that all will take the oath of allegiance in open court, as prescribed by law to be taken by Roman Catholics. The evening previous to the opening of the court in the year 1825, the senior dean announced to us that it was required of us to take the oath of allegiance. Had a bomb-shell burst amongst us it could not have caused us, fresh men of that year, greater dismay and consternation. To swear allegiance to a Protestant King and Constitution were things that never entered into the heads of any previous to his going to that seminary; but in order to calm our minds and induce us to swallow the disagreeable draught, the dean left with us two or three copies of Friar O'Leary's treatise on the Roman Catholic oath. This work was read with attention. The nicely drawn distinction of a double allegiance was discussed and argued. The arguments of O'Leary made no impression on the greater part of the students, so deep was the leaven of disloyalty fermented in their souls. Some feigned sickness in order to evade the awful calamity of loyalty, others openly declared they would prefer leaving the College to their swearing allegiance to a Protestant crowned head. The awful morning arrived. The dean called over the muster roll; some were absent under the plea of sickness, but such as mustered sufficient courage to undergo this ordeal were ordered to bring Testaments with them. Ten or twelve Testaments were the most that could be mustered amongst 100 candidates for the priesthood. On our entering the court all business was suspended. The officer produced the roll with the oath inscribed thereon. The oath was audibly read by the officer, and we were ordered to repeat the words after him. Some told me they had repeated different words to those of the oath, and one in particular told me he had not touched the book, nor repeated a word of the oath. A diocesan of mine told me he always contrived to get sick at the approach of the quarter sessions, and thus evaded during five or six years' resid-

ence at Maynooth taking the oath of allegiance. On Christmas and Patrick's nights the students are supplied with wine, the best singers are called on to sing in the dining hall, whilst the others are drinking their wine; a certain gentleman, now a priest in the county of Kerry, was selected to show off his vocal powers on one of those nights; he chose from among his collection of songs one composed by a Roman Catholic bishop of America; of the loyalty or disloyalty of this poetic effusion I leave the meeting to judge. I shall repeat a few lines of it from memory:—

> 'Columbia's banner floats on high,
> Her eagle seizes on its prey;
> Then Erin wipe thy tearful eye,
> And cheer your hopes on Patrick's day.
> * * * * *
> The toast we'll drink is Albion's fall,
> And Erin's joy on Patrick's day.'

In a College supported by a Royal grant, and in the presence of above 600 loyal men, you would expect that such treason was instantly scouted; no, it was cheered and encouraged. This song was sung in all directions through the College, and I never heard that the professors, or acting superiors, censured or rebuked those who sung this disloyal production."

The gentleman who stated these facts told him afterwards that he was ready, if a committee of inquiry were appointed, to swear to the truth of every word he said. These statements, he thought, were sufficient to show that the principles of loyalty inculcated at Maynooth were more than equivocal. But what did all this disloyalty and violence on the part of the priesthood arise from? The cause must be found in the system of education followed in that institution. The noble Duke had never touched on the manner in which a better education to the priesthood was to be secured. If it was the Ultramontane doctrines which were taught in Maynooth, he thought there were Roman Catholic authorities to prove that they were doctrines contrary to the right of kings, and interfering between subjects and their allegiance to their sovereign; and this Bill was not worth a farthing if it did not do something to remove them: it was to ascertain whether these doctrines were taught or not that he was anxious to obtain this Committee. The Protestants of Ireland would not be satisfied unless such an inquiry were instituted. He knew he should be told there had been an investigation already. In 1825, the state of education at Maynooth and other places in Ireland was inquired into; but, from what cause he knew not, certainly the result of that investigation was most unsatisfactory. The Commission separated without agreeing to any Report with respect to the College of Maynooth; they laid the evidence on the Table, but they made no Report. If an inquiry was thought necessary in 1825, when the College was supported by an annual grant, now they were introducing a new and more objectionable principle, they ought to have another investigation, and one better than a Commission—an inquiry before a Select Committee of their Lordships' House. He thought that he had an authority for the proposition with which he was about to conclude, which the noble Lords behind him would not be able to resist. It was an extract from a speech made in 1840 by Sir R. Peel on this very subject. Sir R. Peel then said—

"He could not agree in the opinion that the system of instruction pursued at Maynooth ought to be a matter of indifference to the House. He had not heard that observation made by the noble Lord; but he had heard it imputed to him, and he had not seen, on the part of the noble Lord, any sign of an energetic denial. Now, the system of education was a legitimate matter for the consideration of Parliament; and the House would abandon its duty if it were to avow the doctrine, that because the grant had been continued for thirty years, it was, therefore, pledged to say to Maynooth, 'You may inculcate what doctrine you please, however injurious to the supremacy of the law, and destructive to the established Government and Monarchy of the Empire.' If an opinion of that kind were put forward, he, for one, would never concur in it; and he thought it should be repudiated by every Member of the House. A misappropriation of the grant would form a very proper subject of inquiry; and if it were proved, the question might be submitted to the House, whether on that ground the vote ought not to be discontinued. If accusations of this sort were made, all he could say was, that the recipients of the grant were the persons who should show most interest in challenging inquiry, for the purpose of conciliating the good will of the public, by showing, if such was the fact, that the charges were groundless. Under such circumstances, so far from inquiry being injurious, they should, as he said, be the first to challenge it. But, at the same time, he should say, that nothing but full proof of abuse would render it wise in the House of Commons to enter into a pledge as to the future with respect to this grant. To him, however, it would be much more satisfactory to have the ground of accusation cut away; and, having established that, he should be able to give the vote which he was about to give with greater satisfaction.*

* Hansard (Third Series), lv. p. 57.

He thought that the extract which he had read, showing the opinion of Sir R. Peel on the subject in 1840, ought to be sufficient in itself to convince their Lordships of the great necessity which existed for an inquiry such as that which he intended to propose before he sat down. It was not because he was desirous of an inquiry that their Lordships ought to agree to it. He was nothing; and deserved no consideration with reference to that subject. They ought to grant the inquiry, because the Protestants of England, of Ireland, and of Scotland demanded it; and it was in their name that he asked their Lordships to agree to his Amendment. In reference to the instruction now given at Maynooth, he was anxious to refer their Lordships to one or two books used there, in order to prove that the Ultramontane doctrines were taught at the College. Fortunately, they were not left in doubt on this point; for the Appendix to the Eighth Report enumerated them, on the authority of Dr. Crotty, the then president of the College of Maynooth. Among the books which the students were required to provide at their own expense, he found the *Commentary on the Scriptures* by Menochius, Delahogue's *Dogmatic Theology*, and other works. Thomas Aquinas was also used. Notwithstanding this fact, a difference of opinion still prevailed, whether the Ultramontane or Gallican doctrines were taught at the College; but this difference of opinion only imposed a greater necessity on their Lordships to appoint a Committee of Inquiry. In the examination before the Commissioners of Education Inquiry in 1826, they found Dr. Crotty saying that it was the Gallican doctrine which was taught at the College of Maynooth; but soon after they found Dr. M'Hale denying this, and stating that neither the Gallican nor Ultramontane doctrine was taught there. Dr. M'Hale said in 1826—

"I can state that the Ultramontane opinions are not taught in the College of Maynooth. These opinions would be quite, in our conception, destructive to that allegiance which we owe to our gracious Sovereign; but, at the same time that I state that the Ultramontane opinions were not taught in the College of Maynooth, I wish distinctly to declare that we did not adopt what are generally called the Gallican doctrines. The opinions of the Ultramontanes would seem to us to be destructive of the authority of kings; and the other opinions, if pressed to the consequences of which they seem to be susceptible, would appear also to be subversive of the due independence of the Church."

These answers were of themselves a very strong testimony of the necessity for some inquiry into the doctrines taught at Maynooth; but he would show by the books which were recommended to the students at that College, how objectionable those doctrines were. In 1790, the Cardinal Prefect of the Propaganda at Rome, wrote a letter in answer to a question from the Ecclesiastical Trustees of Maynooth, with reference to the books which should be used at that College; and the letter contained this passage:—

"But since some questions still remain which are agitated in the disputations of the schools on either side preserving faith and peace, it is of great importance to determine what guides and masters should principally be used in the explanation of them; in which selection we are saved from any protracted hesitation by the immediate presentation to our eyes of those most splendid luminaries of the Church, Augustine and Thomas, on whose excellent doctrine, which embraces almost the entire of our theological discipline, any one may rely the more confidently for this reason, that the most ample approvals, full of praise and commendation, have been given them with the consent of all wise men, and the well-known decrees of the Pope."

The rejoinder of the Trustees was as follows:—

"In doubtful cases about which they dispute in the schools, preserving faith and peace, since we have ascertained with how many and how extraordinary encomiums the Pontiff and the entire Church, in every age, have celebrated the doctrine of St. Augustine and St. Thomas, his most faithful interpreter, we shall take care to follow them, as our guides and masters, in questions of this kind."

Thus their Lordships saw that the Ecclesiastical Trustees of the College of Maynooth were in their answer pledged to take Thomas Aquinas as their master and guide on the points specified in the Cardinal Prefect's letter. In the list of books given in by the President of the College of Maynooth was St. Thomas Aquinas's *Secunda Secundæ;* and according to the letter to the Cardinal Prefect of the Propaganda at Rome, their Lordships found that that book was taken as a guide there. No one among their Lordships would deny, he thought, that Thomas Aquinas was one of the strongest supporters of the Ultramontane doctrine. This went to prove what he suspected—for he asserted nothing—that it was the Ultramontane doctrine which was taught at Maynooth, and which Dr. M'Hale said was impossible to be

taught, because it interfered with the allegiance due from the subject to the Sovereign. If, however, it was taught, and if Dr. M'Hale were right in his opinion, that, he thought, would go far to account for the disloyalty which they had heard of as existing in some quarters. He was, therefore, anxious for inquiry, for he thought that their Lordships ought not to give this large sum of money permanently to the College of Maynooth for the purpose of propagating doctrines which led to disloyalty. He would read a short extract from Thomas Aquinas, in order to show the bearing of his doctrines, and the effect which they must have on the minds of those who were impressed with them. What was the statement of Thomas Aquinas as to heretics? The question is, Question 11, Art. 3—Whether heretics are to be tolerated? On this head, Thomas Aquinas says—

"About heretics, two things are to be considered: one thing on the part of themselves, the other thing on the part of the Church. On the part of themselves, is the sin by which they deserve to be not only separated from the Church, but even to be shut out of the world by death; for it is much more grievous to corrupt the faith by which the life of the soul is saved, than to forge money by which temporal life is supported. Wherefore, as the forgers of money, and other malefactors, are immediately delivered by secular princes to death; much more heretics, from the time they are convicted of the heresy, cannot only be excommunicated, but justly slain."

That was the opinion contained in Thomas Aquinas, whose works, students were not only encouraged to read, but obliged to obtain at their own expense. There was another book which was described by Dr. Crotty as being in use at Maynooth, namely, the Commentaries of Menochius on the Scriptures—it was one of the class books at Maynooth, and it was also one of the books which students were obliged to provide at their own expense in that College. In commenting on the 13th chapter of Matthew, which contained the important parable of the wheat growing with the tares until the harvest time, Menochius says—

"'Lest while we gather the tares,' lest you injure the good while you endeavour to eradicate the bad; and that those that are tares and bad, sometimes become good, Christ does not forbid heretics to be taken away and put to death, on which subject Maldonatus is to be consulted in this place."

And the Commentary referred to by the class book, viz., Maldonatus, thus comments on the same chapter—13th Matthew:—

"There are some who abuse this place by trying to prove that heretics are not to be punished or put to death, which they who do seem to me to be anxious about themselves. ....They who deny that heretics ought to be put to death, ought much rather deny thieves, much rather that murderers ought to be put to death, for heretics are so much the more pernicious than thieves and murderers, as it is a greater crime to steal and slay the souls of men than their bodies. Almost all the ancient authors, as Chrysostom, Jerome and Augustine, interpret thus of heretics. When, therefore, there is no danger that the wheat be rooted out with the tares, what need is there to wait for the harvest? They are quickly to be plucked up, they are quickly to be burned. Who hath not known the Calvinists and Lutherans? who does not see that they are heretics who have revived every ancient heresy? Truly there never was a heretic, there never can be a heretic, if they are not heretics. I warn princes, or (because princes are not likely to read these things) I warn those who ought to admonish princes, that it is not lawful for them to grant to heretics those liberties which they call of conscience, and which are too much used in our day, unless first the Church, or he who is the head of the Church, the Roman Pontiff, the person of Christ, and as it were, the father of the family, shall have judged that the tares cannot be rooted out unless the wheat be plucked up along with them, and that it is for the interest of the Church that both be permitted to grow together till the harvest; for the judgment of this matter does not belong to princes, who are the servants of the father of the family, but the father of the family himself, that is, the governor of the Church."

After reading these extracts for the House, was it too much for him to say that it was a dangerous system of instruction which was pursued at Maynooth—a system well calculated to subject to those evils of persecution, which he had described, those poor Roman Catholics who might differ in their opinions from the majority, or the poorer, and consequently less protected, portion of the Protestants in many parts of Ireland? It appeared to him that nothing could be more reasonable than to demand that before they agreed to a measure which was not only to increase the grant to this College, but to make it permanent, there should be a strict investigation into the nature and character of the instruction given there. He believed it impossible that the people of England could agree to such a measure, if they were aware of the character of the doctrines professed and inculcated by those

writers whose works were recommended to the students at Maynooth; and they ought, in justice to them, to remove all doubt as to the character of the instruction which was so afforded. There was one other authority to which he felt bound to refer before he concluded, as it was an authority which was deserving of great weight, namely, a description of the College by Mr. Alexander Knox—well known as the correspondent of Bishop Jebb—who was private secretary to the late Lord Castlereagh, and appointed by him to the office of treasurer of the College of Maynooth, which he held till the day of his death. Mr. Knox, who was eminently capable, both from his experience and his discrimination, to form a judgment, said of Maynooth —

"The views which originated the College, were marked by much wisdom. The working of the institution during its first years was happy; and had the intelligent spirit that gave birth to it continued to watch over and to foster its growth, Ireland might to-day have been a Protestant country, or nearly so. The first professors were French refugee clergymen, Gallican in their principles; but, lately escaped from the rope and the lamp post of the French revolution, disgusted with everything in the shape of popular movement, and grateful to England for the shelter afforded to them. Under their presidency, the principles dominant in the College were those of the Gallican Church, the most independent and enlightened member of the Papacy. Nay, from the combined influences of their new position, they were themselves strongly attracted toward sour Establishment, which some of them, men of respectability and learning, entered as ministers. Those who were not thus far in outward profession, yet continued to teach a very mitigated Romanism, which eventually would have merged into a purer Church. These tendencies and that probability were, however, extinguished by that body of men which, under Elizabeth, had prevented England from becoming wholly Protestant. But a few years prior to the establishment of Maynooth, some members of the Jesuit body, described by themselves or their friends, as a few poor ancient men seeking in England a resting place, denied them by their co-religionists on the Continent of Europe, had been allowed to settle at Stonyhurst, in Lancashire. They soon hung out at their doors their customary ensign, professing to aim at nothing but the educating the higher classes of their own communion. But, whilst other Romanists seemed paralysed by the misfortunes which had prostrated their Church in Europe generally, these men were even now keenly intent on its revival. The tendency of what was going on in Maynooth being at once perceived, they contrived to buy the property of Castle Brown in its neighbourhood, ostensibly as a school for the sons of the Irish Roman Catholic gentry, but with the main object of obtaining access into, and influence over, the Maynooth Institution. Their efforts were, at no long interval of time, successful; and from that period the whole tone and bearing of the College were effectually changed. Gallican principles were replaced by the severest Ultramontane and anti-Protestant doctrines; and the spring, whose waters appeared destined to fertilise this poor country, has ever since been pouring over it streams the most baleful."

He thought that the able description which he had just read, and which was written by so experienced a gentleman, was a pretty strong proof that the Ultramontane doctrines were taught at Maynooth. He had shown to their Lordships, from the statement of the books which were used at Maynooth, and from the extract of the letter, written in 1796, by the Cardinal Prefect of the Propaganda at Rome to the ecclesiastical trustees at Maynooth, that the doctrines which were taught to the priesthood at that College were of a dangerous nature, and such as the people of England would not willingly grant money to assist in teaching, if they were aware of their tendency. He felt it his duty to draw their attention, on this stage of the Bill, to that important question which so vitally affected the permanence, peace, and tranquillity of the country. Now, he would ask their Lordships how this Bill was calculated to improve the system of education at Maynooth? Was there anything in the Bill which would offer a guarantee that the Ultramontane doctrine would give way to the Gallican?—anything that could annul the contract made between the Cardinal Prefect of the Propaganda at Rome, and the ecclesiastical trustees at Maynooth? He saw nothing in the Bill in any degree providing for the improvement of the education of the Roman Catholic priesthood in Ireland. But there was a still more powerful reason which rendered it impossible for him to give his consent to this Bill. He had been taught, as a Protestant, to believe that Roman Catholic opinions and doctrines were most dangerous, and that their extension ought to be resisted. He had sworn, in common with some of their Lordships, that he believed some of the doctrines of the Roman Catholic Church to be idolatrous and superstitious. Believing this to be the case, he could not, and he ought not, to lend any aid in propagating doctrines he believed to be dangerous. He was aware

that he and those who concurred with him in these opinions, had been charged with violent and illiberal feeling towards their Roman Catholic brethren, and that they had been branded as bigots. He (Lord Roden) had lived for many years among his Roman Catholic fellow countrymen; he had taken a strong and decided part—because he considered it his duty to do so—in Protestant movements. In 1829, he used every means in his power to prevent the admission of persons professing the Roman Catholic faith into this and the other House of Parliament, because he believed it would be injurious to the country to permit Roman Catholics to legislate for a Protestant Church; but he defied any man to prove that he ever entertained any unkindly feeling, or used any harsh language, towards the humblest of his Roman Catholic fellow countrymen on account of their religion. He knew his Roman Catholic fellow countrymen well—he had lived a long life amongst them; and it was his opinion, that if they could be divested of priestly influence, he could have no hesitation in trusting in their hands his property or his life. He had troubled their Lordships at considerable length; but he felt it his duty to do so, and before he sat down he would again impress on them the importance of the duty which they had to perform: the eyes of the country were directed towards their proceedings, and he believed they never were directed towards them on any former occasion with such anxiety as at present, and he believed that they were about now by their votes to adopt a permanent system either of good or of misery for the country. This Bill was spoken of by some as a measure of peace to the Irish nation, just as if the Irish people were all exclusively Roman Catholics; whereas they were, to speak in round numbers, only in the proportion of about 7,000,000 of Roman Catholics to 2,000,000 of Protestants; and it ought never to be forgotten, that those 2,000,000 were linked to this country by loyalty and affection for British interests and British rule, and resolved permanently to resist all attempts at obtaining a Repeal of the Legislative Union between the two countries. They had long tried the fidelity and patient endurance of the poorer classes of his Protestant fellow countrymen, who had often to suffer more than their Lordships could form any idea of. Were they, then, to sacrifice the interests of religion, and to neglect all the loyalty and attachment to British connexion, which the Protestants of Ireland had so long displayed? The Protestants of Ireland considered that they had been betrayed by those from whom they had a right to look for support: they had sacrificed many of their best interests to bring the present Government into power; they were in hopes they would have acted on sound principle, but they had been miserably deceived. They beheld the Government permitting those sacred principles which were dearest to them to be trampled upon. The Government had ceased to show them that there were principles on which the Church, the Throne, and the Constitution were founded, which they considered immutable; for the Government had declared they were unable to execute those laws which gave expression to those principles. He warned their Lordships against the course they were pursuing. They were rejecting their best, their warmest friends—those brave men who had stood by England in all her Irish difficulties—whose ancestors had maintained English supremacy in that part of the Empire—and who had bled and died in her defence. The Irish Protestants were disgusted at the policy of the Government. The time was at hand when they would feel their folly—when they would see their mistake—when they would again want the co-operation of those whom they had now cast off. But the Protestants of Ireland would be always found true to their principles; and when the time of danger arrived, he should not envy them the remorse with which their minds would be distracted, by the folly and ingratitude of their policy. He (Lord Roden) had now expressed his opinions honestly and openly. He thanked their Lordships for their attention during the long time he had occupied them; and he would conclude by moving as an Amendment—

"That a Select Committee be appointed to inquire into the Class Books and Standards and General Instructions used in the College of Maynooth, and that the Bill be referred to the said Committee."

The Bishop of *London* said, he was labouring under an indisposition which of itself would prevent him troubling their Lordships at any great length; but he trusted that their Lordships would grant him their indulgence while he briefly expressed his sentiments as to this measure. He considered that the noble Earl had established a case which would justify the House in granting the Committee sought

for, even with those who might not regard it as absolutely necessitating that inquiry. In giving his own reasons for supporting the Amendment, he should very briefly state his objections to the measure itself, in order that he might not have to trespass upon their attention a second time. After long, most anxious, most careful consideration of the Bill now before them, he found himself under the painful necessity of withholding his assent from it, under an entire conviction that, while it involved an utter violation of one of the most fundamental principles of the Constitution, it held out no valid prospect of such results as might be deemed to justify it on the ground of expediency. In stating as briefly as possible his objections to the plan, he would endeavour to avoid all such arguments as might be calculated to increase and exasperate those feelings of irritation which naturally arose out of deliberations on a question of this nature, and would abstain altogether from those of a purely polemical character. He need scarcely mention his reasons for such a course beyond saying this—that having always considered the floor of that House a most unsuitable arena for theological discussion, he thought, especially after the change in the Constitution which had admitted many persons of ancient and noble families to the privilege of seats in that House, from whom, as a Protestant, he entertained widely different opinions on religious questions, but whose feelings he would be most unwilling to shock, that such discussions were most undesirable. He would not, therefore, touch upon his objections to the dogmas of their Church, further than was absolutely necessary to maintain the position he had taken. He considered that the present measure involved a direct departure from that fundamental principle which justified a State in the adoption and endowment of a particular form of religious worship; while on the other hand, it held out no prospect of the attainment of that object which, if accomplished, might be regarded as some compensation for the evils of the measure. That object was the better education of the Roman Catholic priesthood, and the diffusion, by their means, of right principles, of a spirit of peace, loyalty, and obedience to the laws, through the great bulk of the Roman Catholic population—an object the importance of which it was scarcely possible to overstate; if he had any reason to hope that such a result would be effected by this measure, he should feel great hesitation and reluctance in withholding his assent from it. The education of a body of clergy, armed with such powers as those possessed by the Roman Catholic priesthood in Ireland, must be an object of supreme importance; and if he believed that by an increased grant of the public money they would provide those individuals with an education which might imbue them with somewhat of the spirit which actuated a Fenelon, he should feel much greater doubt than he did at present as to his vote on this occasion. But he could not perceive any such prospect. He clearly saw, indeed, that an increased number of young men intended for the ecclesiastical profession would be educated at Maynooth, under circumstances of greater personal comfort, and under more able instructors in literature and science; but there was no promise—not even an insinuation—from those who were alone competent to give such a promise, that there would be any alteration of importance in the system of instruction. The noble Earl (Earl Roden) had described some of the principal features of the course of instruction pursued at Maynooth. It was possible, however, that some of their Lordships might not be acquainted with the nature of that system. He saw before him many who had occupied seats in that House long enough to have taken part in the inquiries instituted by a Select Committee of that House on the state of Ireland. The evidence taken before that Committee had been most ably and carefully digested by two very eminent clergymen of the sister island, and that valuable document ought to be perused by every noble Lord who was desirous of giving a conscientious vote on this question. Since that inquiry twenty years had elapsed; and probably many of the younger Members of that House had not taken the trouble to make themselves acquainted with the subject by a careful inspection and perusal of the evidence to which he referred. Surely a knowledge of the system of instruction and discipline pursued at Maynooth was absolutely necessary to enable their Lordships to give a conscientious vote, or at least to form a correct judgment on this measure. If it should turn out, on inquiry, that the system of instruction pursued was such as had been delineated by the noble Earl (Earl Roden), it surely would be unwise and unreasonable — to use no stronger terms—to extend, endow, and perpetuate

a system of education for a class whose employment was the most influential for good or for evil, without fully understanding what the system of education so to be extended, endowed, and rendered permanent, was; and he, therefore, held that the demand for an inquiry into the system pursued at Maynooth, was most just and proper to be complied with, ere such a measure as that before them was further proceeded with. At all events, whether or no their Lordships were disposed to negative the noble Earl's proposition, they would not deny that it was as well at least to have presented to them all that was known on the subject at present; and he (the Bishop of London) would, therefore, take the liberty, for his part, of reading to them some extracts from the Report of the Commissioners appointed to inquire into the state of Irish Education in 1824 — a document which threw great light on the nature of the doctrines taught at Maynooth. But before he quoted this document, he would say a few words as to the description of persons who were generally sent to Maynooth—a point of considerable importance in considering the question. Almost all the students at that establishment were taken from the decidedly inferior classes of society, consisting of youths who had been first taught at country schools at an expense of some 4*l.* or 5*l.* a year, and were then selected by the priests as likely to suit their purposes, and sent to Maynooth, where their education cost but a small additional sum. Formerly young men intended for the Irish Roman Catholic priesthood were sent to Paris, or Salamanca, or Rome; and the expense of their education being there far more considerable, they were taken, in most cases, from a higher class of society; and to this circumstance might be ascribed, as well as to the more refined and liberal education they received, their more highly cultivated taste at that period, and their superior acquaintance with the habits of society of the better kind, that they were what the Roman Catholic ecclesiastics in Ireland then were generally noted as being, friends of peace, promoters of charity, good subjects, tolerant Christians — frequently assisting the Protestant clergymen in acts of benevolence, their opponents only in doctrine. He did not mean to say, that this race of ecclesiastics was extinct in Ireland; but that a very great change had taken place in the main body of the Roman Catholic ecclesiastics in Ireland, was a fact too notorious to be denied. There could be no doubt, especially after the statements of the noble Earl, that this was in a great degree attributable to the system of education pursued at Maynooth; the minds of Roman Catholics educated in that institution were imbued with principles which were certainly likely to make them less charitable and less indulgent towards their Protestant neighbours, and less obedient to the law. He might be allowed to read a few sentences from the evidence of the late Archbishop of Dublin, Dr. Magee, before the Committee of 1824. That prelate said—

"The education at Maynooth has been considered even by sensible men among the Roman Catholics themselves to be of a description much inferior to the former continental education of their clergy—inferior as to learning and manners and professional utility, as well as to liberal sentiments and adaptation to society. The education which they receive in that place is, as I understand, of a species much inferior to what might be received in the foreign universities; and their learning, being of a nature proportioned to their professional objects, is principally conversant about that very system which seems to present the chief obstacles to the safe admission of Roman Catholics to civil power in a Protestant State. Besides, from the exclusive and prodominant study of that system in itself much injury arises to the mind of the student. The pride of giving perpetuity to what has acquired command over mankind by the authority of Councils and Popes through a long series of ages, and this sustained on the high ground of infallibility, cannot fail to cause impressions on the young mind, which, when not counteracted by the liberalizing effects of a more general education, tend to elevate extravagantly in his own estimation the individual who finds himself connected with such a system, and whose duty it will become still further to extend and maintain it. But still more injuriously do they tend to elevate him in his comparison of himself with the professors of every other Christian denomination whom he is taught by this system to consider but as the growth of yesterday, as having no share in the privileges of what he calls the Church, and who in not acknowledging the authority of that Church are to be viewed as rebels and deserters from its jurisdiction."

He then contrasted the liberal effect of what might be called the university education with that exclusive, that exceedingly ascetic and morose system of education, which was one of the vices that had not yet been touched upon adopted at

Maynooth, showing how those evils had not applied to the youths who were sent to foreign universities. But he would take the liberty of reading a passage from one of the excellent and able individuals to whom he had before alluded as having drawn up the Digest of the Evidence that had been taken before both Houses of Parliament :—

"There is very little reason to applaud the loyalty or the prudence which caused offers of foreign instruction to be declined, if the system of education adopted at home be so constructed as to form a character in the Roman Catholic priests in Ireland the most inimical to national peace and improvement; to make them democrats in the State, and in the Church intolerable bigots."

There could be no doubt that the Roman Catholic priesthood of Ireland were taught to regard the English Government as foreigners, and that they looked upon the extirpation of heresy as an object to be aimed at at all hazards; and by a great variety of associations, by fraternities of education, by sodalities of Christian doctrine, and others of similar names, those doctrines were carried into the hearts of families in Ireland. The Roman Catholic child had books put into his hands in which the English were spoken of as spoilers of his Church, and usurpers; and those principles were disseminated through the breadth and length of the land by the education societies. Now, if the parish priests had not aided in that dissemination, how had they exerted themselves in preventing it? It was not his intention to enter into the doctrines taught; but this he would say, that the principles inculcated in the class books at Maynooth were of such a description that, if carried out into practice, they would disqualify men from the faithful discharge of their duty as subjects of the State, and would be utterly incompatible with the maintenance of peace and the order of the social community. Of the nature of those doctrines their Lordships would find abundant proof in the documents to which the noble Earl alluded, and he would only briefly enumerate them, to show the extreme importance of those which were brought to bear upon the minds of the Roman Catholic peasantry of Ireland. Those doctrines were, the Church's infallibility and the authority of the Pope—his deposing power—that faith need not be kept with heretics—the condemnation of the right of private judgment—the assertion of universal dominion on the part of the Church of Rome over the conscience—the right of the Pope to insist on the resumption of Church property—and, lastly, the seven *causæ excusantes* and the five *causæ totientes* which were held to justify the violation of oaths, the Pope being judge in each case. It was true that these doctrines, in their general form, might be held by Roman Catholics consistently with their duty to the State, but they must be held with certain modifications; for, as they were taught in the class books of Maynooth, and in those quoted by the noble Earl, it was not possible they could be held by the subjects of any State consistently with their duty to that State. The modifications to which he alluded were briefly laid down in the Four Articles drawn up by the French clergy in 1682, and called "the Liberties of the Gallican Church." But if those doctrines were not taught at Maynooth, the reason must be, because they were considered objectionable; and if so, the proposition against which they were directed must be approved. Add to all these considerations the most important fact, that the institution of Maynooth was, by means of an institution called the Sodality of the Sacred Heart of Jesus, brought under the influence of the Jesuits, and was practically almost, if not quite, as much of a Jesuit College as that at Clongowes. With respect to endowing a College calculated to carry out such a system, without at least exacting from those who were to be invested with the working of it some distinct pledge that the system itself should be improved, and its worst features removed, or at least modified, he must say he entertained the gravest objections. It had been stated that the system would ultimately tend to the advancement of truth—that by conferring a superior education on the youth at Maynooth, they were enlightening their minds and opening their eyes, by degrees, to truth. He need not dwell upon that argument, because it had been disdainfully rejected by the supporters of the measure, as wholly inconsistent with that singleness of purpose by which they were actuated in proposing it. He certainly did at first look at the question with some doubt whether it was not likely, if adopted, to serve the cause of truth by enlightening the minds of the Roman Catholic priesthood of Ireland. He had, however, no such hope, unless the system of Maynooth was al-

tered; and now it was declared by the supporters of the Bill that they had no such intention. But, as he said, that question, if not irrelevant, was unimportant, compared with what they held to be a much more serious objection to the measure—he meant, the violation of a principle by the endowment of a Church differing not merely from our own in some points of doctrine and discipline, but irreconcilably opposed to it in some of its articles. The endowment of two antagonist Churches—for antagonist Churches they were in the strongest sense of the term—in the same country, seemed to him to go a great way to the rejection and abandonment of the principle which alone justified the endowment of any; and he believed that their Lordships were in great danger, by passing this measure, of sanctioning a principle that would rivet upon the Church the first link in a chain of evil, from which they would not be able hereafter to set it free. The consequence of this measure would be, a severance of all connexion between the Church and State in Ireland, and, he feared, at no distant period, in this country also. That was very clearly perceived by those in other countries who saw the strife that was now waging here between principle and expediency. They were not blinded by those personal interests which were so apt to lead to error; they could take a calm survey of the consequences of this measure, and perceive them without looking to any great depth. As a proof of that, their Lordships would permit him to read a passage from a paper published at Lausanne, in Switzerland, within the last fortnight, the editor of which was hostile to the principle of all religious establishments, and who therefore exulted at our recognising a principle which might lead to that result here. This was the language which that writer held in the *Anti-Jesuite* of the 19th of May:—

"We do not hesitate to regard the Bill which is about to pass into a law as one of the most important events in the history of England. Some few have said, but everybody has perceived, that this endowment is only a preliminary measure. The endowment of a seminary will soon be followed by the endowment of the Catholic clergy. From that moment, England may be considered as having adopted the principle of paying different forms of worship. But is the meaning of that principle understood? To salary more than one religion is, in fact, to recognise none. To pay a Catholic clergy while maintaining a Protestant Church, is to make a profession of indifferentism. It is to acknowledge indirectly the incompetence of the State to judge of religious truth; in a word, it is to renounce in every way the principle of a National Church. We need not wonder that the members of the Anglican Church should be alarmed, and have covered the Table of the House with their petitions. They comprehended instinctively that it was a question of life or death for the Establishment. The Bill will pass. The last hour has struck for that ancient system which connects itself with all the recollections of the country. It is fallen. We, who have no great sympathy for State Churches, see reason to rejoice at what is happening in England. When the State pays several modes of worship, it will soon come to pay none."

That was the great difference between the present measure and the former annual Vote by Parliament. He did not mean to say that he should ever have brought himself to vote for the grant for the College of Maynooth. He hardly could, consistently with the principles he held. But that was a very different thing from a perpetual endowment, and investing it with such a character as to make it an integral part—he was almost going to say, of the Church—but, certainly, of the Constitution. It was the first link forged to tie together the State and the Roman Catholic Church. The grants to Maynooth were but instances of liberality to those who appeared to be in want of them; but he could not help reminding their Lordships, that the original purpose of the foundation of Maynooth was not that it should receive any help from the State, but for the mere purpose of holding in perpetuity what was given to it by pious Roman Catholics. For that he had the authority of the noble Duke himself, who, when he was Sir Arthur Wellesley, said:—

"The fact was, that when Maynooth was first established, it was not intended that it should be maintained by the public purse. The memorial presented previously to the foundation of that establishment prayed for a charter, in order that their funds might be better secured."

And here, perhaps, he might be allowed to advert to a mistake that pervaded the latter part of the noble Duke's speech. The noble Duke stated, that when this subject was before the House in 1808, there was no apprehension of its consequences in a religious point of view. That was far from the case, and the proposition

that was made for increasing the grant to Maynooth was resisted by Mr. Perceval, chiefly on a religious ground; and he said, that if it were *res integra*, nothing should have induced him to support it. But there was one individual whom he had the pleasure of knowing, and with whom many of their Lordships were acquainted—a very pious, learned, and able man, who had rendered distinguished service in the cause of the abolition of slavery—the late Mr. Stephen—who said, that upon that ground he should have objected to the original grant. His words so precisely expressed his (the Bishop of London's) own sentiments, that, as they were but few, he would read them. He said, in the debate of 1808—

"That we could not, as members of a Protestant communion, consistently or conscientiously educate clergymen for the Catholic Church—a ground on which he would have opposed that particular mode of assisting the Catholics of Ireland, if the question of founding the Maynooth College were then before the House; and on the same principle he felt himself bound to oppose the further and, as he conceived, needless extension of that establishment. He was sure that the feelings of sincere and pious Papists would revolt at the idea of educating at their own charge clergymen for the Church of England—to propagate what they deemed heretical doctrines; and sincere Protestants, who regarded the distinguishing tenets and rites of the Church of Rome as corruptions of Christianity, were bound on the same principle not to be directly instrumental in teaching what, in a religious view, they deemed to be dangerous errors, by educating men for the Roman Catholic priesthood."*

The same feeling prevented him from giving his vote in favour of the Bill on this occasion. How could he consent to endow an establishment for educating pastors to disseminate doctrines which he considered to be dangerous, if not deadly? ["Hear!"] He spoke only of himself—he judged not of the consciences of others; but, pledged as he was by the most solemn promise to drive away all erroneous doctrines, and both privately and openly to call upon others to do the same, how could he consistently consent to endow and render permanent an establishment the object of which was to qualify men to disseminate doctrines which he considered most fatal heresies? He knew he might be answered by some noble Lords by the instances of Canada, Malta, and the *Regium Donum*. Now, with regard to the *Regium Donum*, many of their Lordships were not, perhaps, aware that the original donation was a matter of comity on the part of the Crown, and that it only became a State payment when the property of the Crown was given up to the Civil List; but, supposing it were otherwise, it might be said that it conduced to Arian doctrines, which were as mischievous as Roman Catholic. But there was this distinction—that if the doctrines taught at Belfast were Arian, they were so by accident, whereas they were now going to endow a college avowedly and exclusively Roman Catholic. With regard to Canada and Malta, it might be sufficient, in order to take them out of the category of instances where different religions were endowed by the State, to remark that they were conquered countries, and that certain stipulations were agreed to between the conquerors and the conquered. The Roman Catholic religion was established, and it was stipulated that it should be permitted to continue. In fact, all that was done in Canada was, that the Roman Catholic clergy were left in possession of the property they enjoyed before the war. The same thing was stipulated in Malta; and he was not prepared to say that in the case of a conquest it might not be necessary to consent to the continuance of the Roman Catholic Church. That being the case, he might perhaps be asked, "If you will not do this for the Roman Catholics of Ireland, what will you do?" He did not feel that he was called upon to attempt an answer to that question. He gave the fullest credit to the pure and honourable intentions of the Government in bringing forward this question. He had not the least doubt that they were fully convinced that this measure would tend in some degree to heal those wounds that so long have prevented the peace and prosperity of that country; and that in their hearts they did not believe it would be productive of any serious injury to the Established Church. But he could not get over the difficulty of principle. He could not convince himself that it was right to violate such a principle as he had stated, under any circumstances, especially under circumstances which seem to hold out no corresponding advantages which might be regarded in the light of compensation. He could easily conceive the embarrassment which attended the

* Hansard (Old Series), xi. 126.

Government when they turned to the map of Ireland. How that country was to be governed, he confessed himself ignorant. He confessed himself ignorant as to what was the right method of governing that country; but he had no scruple, no hesitation in declaring what was the right principle on which it should be governed. It was briefly—and with this statement he would conclude the observations he had offered to their Lordships—that in governing that, or any other country, never for any consideration do that which is clearly wrong in principle. Do your best to discover what is right; follow it out honestly and fearlessly, and trust for the issue to the Supreme Disposer of events, who would, he was persuaded in his conscience, and he was justified in that by his own written word, deal favourably with that nation which upheld his truth, or at least did nothing to impede its progress.

The Earl of *St. Germans* said, he had listened with great attention to the speech of the noble Earl; and, knowing and respecting as he did the deep and sincere convictions which actuated him in resisting the further progress of this Bill, he earnestly hoped that in the observations he was about to make, he might give him no just cause of offence. He confessed he had heard with some surprise, the declaration of the right rev. Prelate, who, as it appeared to him, laid down that he should discuss this question with reference only to those opinions which influenced men as members of a State; but a great part of the speech of the right rev. Prelate consisted of a repetition of what had been stated by the noble Earl respecting exclusively the religious doctrines taught at Maynooth. He (Lord St. Germans) thought the right rev. Prelate could not have heard the speech of the noble Earl, for the noble Earl did not say that it was his object to stop the grant to Maynooth. Now, he (Lord St. Germans) thought that the more manly course in that case would have been to put a stop to this Bill altogether. After the declaration of the right rev. Prelate and the noble Earl, that they could not be parties to the propagation of what they deemed error, he thought it was idle to call on the House to inquire what were the doctrines taught there. The noble Earl and the right rev. Prelate said, that Parliament was now, for the first time, about to "endow" a Roman Catholic College, or, in the right rev. Prelate's figurative language, they were now forging the first link of the chain that was to bind the Roman Catholic Church to the State. Now, he believed that neither the noble Earl nor the right rev. Prelate could have read the former Acts of Parliament with respect to Maynooth; for if they had, they would have found it expressly stated in them that the object was to establish a College for the education of the Catholic clergy in Ireland, and that by the first Act it was intended to form a corporation for that purpose; and it was only by a technical error that this was not done, and the very word "endow" was used in the Act for the establishment of such institutions for the education of Catholic priests. And who were the parties called upon to be the heads of this corporation? The Lord Chancellor of Ireland, the Lord Chief Justice, and the Lord Chief Baron; and this had been done by an exclusively Protestant Parliament. After the Irish Parliament had expressed its intention to form a College for the education of Roman Catholic youths intended for the priesthood, and when it found that the funds likely to be contributed for this purpose would not be sufficient to carry the object into effect, Parliament would have been justly open to the charge of a breach of honour, if it had not found funds for this purpose, for it claimed the right of directing the kind of inspection, and yet would not contribute to its maintenance. That breach of faith the Ministry of the day would not incur; and it had been maintained by every Ministry that had ever governed the country, and by every Parliament, Protestant and mixed, that had ever sat since that period; it had been maintained by Lord Liverpool and Mr. Perceval, men who had uniformly opposed Catholic Emancipation, and who were the firmest friends of the Established Church. This being the case, what was the difference in principle between agreeing to a grant which was successively voted by successive Parliaments, and a grant which was to be paid annually from the Consolidated Fund? To say that there was any material distinction between them was a miserable quibble. One of the most able and strenuous opponents of the measure in the other House of Parliament had said, that so long as those Statutes remained on the Statute Book, so long were they bound to continue the grant. Now, he would ask, was there not

sufficient evidence of this in the former Acts respecting Maynooth? But it had been asked by the noble Earl and by the right rev. Prelate, what security there was for the establishment of an improved system of education at Maynooth. Surely the noble Earl and the right rev. Prelate could not have read the Bill when they asked this question; for it specifically provided that the visitation of the College for the future should not be nominal, as now, but was to be actual; and, instead of the visitors being the three great officers of the law in Ireland, who went, as a matter of form, once in three years, to visit the institution, and to ask the students whether they had any cause of complaint against the masters, and to inquire of the masters whether they had any cause of complaint against the students, it was now proposed, as a remedy, that instead of the three Judges acting as formal visitors, that there should be constituted a mixed board of Protestants and Catholics, who would be present at all the examinations, and would make an annual Report to Her Majesty respecting this College. He asked then, under these circumstances, whether there was not greater security for an improved system of education under the proposed plan of visitation, than under the present, which, in point of form, was worth nothing? Such a change would tend to prevent abuses arising, such as had been complained of; and if they did, the authorities of the College would, on their being pointed out, at once remove them. It had been said that there was a want of loyalty among the students of Maynooth; but the noble Earl had not, he thought, treated this part of the subject in a way that was likely to be altogether satisfactory to their Lordships. The noble Earl said that a gentleman whose name he did not mention to the House, at a meeting of a certain society, had described what happened at Maynooth twenty years ago. Now, he thought the noble Earl was not justified in fastening the charge of general disloyalty on the students and professors of that institution on the credit of an individual whose name was not given, and who might have been—as was not unfrequently the case of parties who made statements of this kind—one who had been discarded in his youth from the College. If he had looked into that, he would have found that two gentlemen, then clergymen of the Established Church of this country, both of whom had been students at Maynooth, and one of them a professor there, had been called before this Commission that sat in 1836, and examined as to the nature of the education at Maynooth, and they both of them distinctly and unequivocally denied the fact that anything like a divided allegiance was taught there. If anything of this kind had happened there, these gentlemen must have known of it. They both stated that it was taught that the power of the Pope was distinctly confined to spiritual matters, and did not extend to temporal affairs, and that nothing of an opposite nature had ever been taught at the College of Maynooth. He thought that the noble Earl had completely failed in endeavouring to show that anything favourable to his views could be drawn from the proceedings of the Commission. The Commission was composed of men of the highest character, five of whom were Protestants, and one was a Roman Catholic. The latter gentleman was a man of the highest character, both personal and professional; and he (the Earl of St. Germans) was sure that every man who knew him would bear similar testimony; but as this Gentleman was a Roman Catholic, he would not make any further allusion to him. He would, then, look to the other Commissioners, and he found that they were such men as Mr. Frankland Lewis, Mr. Grant, Mr. Leslie Foster, and Mr. Glassford. These gentlemen did not agree in their Reports; but did any one of them say anything injurious to the education at Maynooth? They might be sure, therefore, that no such doctrines as those alleged were taught at Maynooth, for if they were, they might depend upon it that such men as Mr. Frankland Lewis, or Mr. Leslie Foster would not have been silent on the subject. If there had been a difference of opinion on this point, as on others, between these gentlemen, one of them would have reported in one way on the subject, and the other in an opposite respect. It was most extravagant to say that such men would subscribe their names to a Report which contained gross misrepresentations, for there was nothing in the Report against Maynooth. But they had been told that the priests educated at Maynooth were disloyal. He regretted that there was truth in the charge to this extent — that many of them were violent and turbulent agitators.

This, however, he attributed to other causes than those assigned by the noble Earl, namely, that they received a hasty and contracted education there. He had himself been at Maynooth, and he was sure, that if noble Lords would visit that place they would blush, as he did, at the niggardly treatment of that College. The students there were destitute, not merely of the comforts, but of even the decencies of life: and how could they expect to raise accomplished and polished men there, and that they should regard with feelings of gratitude the conduct of the Parliament at Maynooth? He believed that the students from this College went forth with a good theological education; but, in consequence of there only being accommodation for an insufficient number of students, the candidates for the priesthood were obliged to leave at the end of three or four years, instead of seven years, which ought to be the period of their education; they, therefore, went forth to discharge their important functions imperfectly educated. They should recollect that this was a class of men who were called upon to administer to the wants of the large and poor population of that country; and, as was described in the Report of his noble Friend at the head of the Land Commission, they saw the people suffering the greatest privations, badly housed and clothed, and that they had to endure hardships heavier than those that were borne by any other people in Europe. If they found the people placed under their spiritual superintendence so circumstanced, and that they were in the midst of a starving population, was it matter of astonishment that these men should attribute this state of things to misgovernment, and that they were led away by the arts of agitators, and were induced to believe that the remedy for such a state of things, and all these evils, was to be found in a domestic Legislature? He was not justifying the adoption of such an opinion; but still it must be observed that they could find something like a plausible excuse for the adoption of such a notion. He did not wish for a single moment to say anything in toleration of the cry for Repeal, because he believed that its adoption would not only prove most injurious to this country, but it would be far more extensively so to Ireland. He could not, however, feel surprised that men who had been imperfectly educated, should, on looking about them, say that if after what passed before the Union, they had a Parliament exclusively Irish, it could not possibly allow Maynooth to remain in its present condition; but would sympathize with them, and this state of things rendered them so subject to the proceedings of agitators. It was to these facts that they should look—to the susceptibility of the priests, to the arts of agitators, not to the doctrines taught at Maynooth, that they should attribute the conduct of the Catholic clergy. The noble Earl had somewhat amused, if not astonished him, with part of his speech. The noble Earl had read an extract from a speech of Bishop Higgins, as an illustration of the conduct of persons educated at Maynooth. Now, it so happened that Bishop Higgins was not educated at Maynooth, but at Paris and Rome. The noble Earl had taken some pains to select the most violent language that he could find that been used by a Roman Catholic bishop, and who, he supposed, had been educated at Maynooth: whereas this was not the case. Then the noble Earl was mistaken as to the Catholic priests in Ireland, before the establishment of the College of Maynooth. That institution was established when it was thought important to withdraw the priests who had previously been educated abroad, from the contagion of Jacobinical principles then spreading over Europe; and it was deemed desirable to withdraw those intended for Catholic priests in Ireland from the operation of these opinions; and although the priests brought up abroad previous to that time might have manifested a more polite demeanour, and have possessed more elegant manners, still it was well known that they were not in sufficient numbers for the wants of Ireland; and he believed that at the time there were a great many priests in Ireland inferior both in rank and education to the present race educated at Maynooth, and who were then known by the appellation of "hedge priests." Therefore, taking the whole body of the Irish priests, he believed a greater number of men in the present day were as well educated as those who had formerly to perform the religious functions of the great body of the Irish people. But that was no reason why they should not raise the character of the education, as well as the condition of those destined for the Irish priesthood, and put

them on an equality as regarded their social condition with those intended to give religious instruction in connexion with other religious communities. Let noble Lords recollect that the Irish Catholic priests enjoyed the unbounded confidence of the people under their superintendence; and that they were ever ready to wipe away the anguish from the brow of the poor peasantry; that they never shrunk from watching contagion and disease in its worst forms; and such conduct was sure to ensure to them the affections of those to whom they administered the rites of religion. He hoped that he should not be supposed to have drawn an invidious distinction between the Roman Catholic clergy and the clergy of the Established Church, for whom he entertained feelings of the most unbounded respect. A few nights ago a right rev. Prelate took the trouble to vindicate the Irish clergy belonging to the Establishment from charges never made against them in that House; but surely the right rev. Prelate must admit that the sphere of action of the clergy of the Established Church in Ireland was much more limited, and that the number of those under their care was much more limited, and they were for the most part in more affluent circumstances, than the Roman Catholic population of Ireland. The noble Earl and the right rev. Prelate had failed in showing that any injury had been inflicted on the Established Church. They might talk of the errors of the Catholic Church, but as long as seven-eighths of the people of Ireland were attached to that Church, it was impossible to act upon the opinions of the noble Earl and the right rev. Prelate. He, therefore, called upon the House to place the students at Maynooth on a more respectable footing, looking to the whole of the Catholic population of Ireland, and without incurring those evils which the noble Earl so much deplored, and which he should also do if he could believe that they would possibly exist. The right rev. Prelate said that he was not bound to suggest a remedy to a state of things which he had described in such glowing colours; but at any rate he was bound to show that the evils which he alluded to would be incurred by the measure before the House. He hoped that the House would excuse him, then, from going into the education question on that occasion, as so many other opportunities would be afforded him of doing so, or to compare the relative merits of the Kildare Place Society and the National system. The noble Earl had referred in strong language to what he called the absence of fair play to the Church. Now, no one was more anxious than himself to maintain the Protestant Church; but he confessed that he was astonished to hear the noble Earl talk as he did of the injury and injustice inflicted on the Established Church in Ireland. Look to the numbers of that Church in Ireland. They did not exceed between 700,000 and 800,000 persons, and the revenue belonging to it amounted to upwards of 600,000*l.* He thought, therefore, they could hardly have a just cause of complaint, as regarded its income. He therefore was astonished at hearing the noble Earl denounce the Government, for neglecting the interests of the Established Church. The noble Earl did not show a single instance of neglect, or betrayal, or deceit on the part of the Government toward the Irish Church. As for the distinction between the annual Vote and that from the Consolidated Fund, and as for their increasing the grant from 9,000*l.* to 26,000*l.*, he must say that it was a very inadequate ground for the clamour which had been made. The noble Earl alluded to certain proceedings which had taken place at Dingle. The noble Earl said that the conduct of the people of that place was to be attributed to the Catholic priests, and the proceedings of the priests was owing to the nature of the education they received at Maynooth. Now, the noble Earl did not propose to reject this Bill at once, and to repeal all the other Acts relating to Maynooth; but he said that he was willing that things should remain as they were. The noble Earl, to be consistent as a lover of his country, if he believed such evils to arise from the existence of the College of Maynooth, would not have allowed this state of things, productive of so much mischief, to have remained so many years in its present condition. The noble Earl, he thought, had stated that the noble Duke had rested the measure on conciliation. Now, he (Lord St. Germans) had listened attentively to the speech of the noble Duke, and certainly he did not hear the word "conciliation." The noble Duke did express his hope that gratitude would be felt for the benefit intended; but the noble Duke did not say that this measure was caused by

any extortion. He believed that this measure would elevate the institution, and improve not only the condition, but the habits and manners of the Roman Catholic priests; and with those feelings he called on their Lordships not to mar the effect of this measure, not to mar the effect of the speeches by which the Government had introduced the measure, but, by affirming it with an overwhelming majority, to show that they were determined to do an act of justice to the people of Ireland.

The Duke of *Manchester* said, he was afraid that the original establishment of Maynooth, like a great deal of English legislation for Ireland, was a union of the English Government with the Roman Catholic hierarchy, to keep in slavery the Roman Catholic gentry and people of that country. In conformity with the wishes expressed by many of their Lordships, he would treat the question before them as a political one. Viewing it in that light, he could not but object to the power which was vested in the Roman Catholic prelates. It was on that ground, he conceived, highly objectionable. Dr. Higgins, formerly Professor of Dogmatic Theology, at Maynooth, said that every Catholic bishop and priest in Ireland, without exception, was an ardent Repealer —that from shore to shore they were now all Repealers. Her Majesty's Government objected to the Repeal of the Union, and the attempts made to obtain it had even been referred to in a Speech from the Throne; yet they were going to place patronage in the hands of men, all of whom they were told were "ardent Repealers." So important did these persons consider Repeal, that they declared that they would suspend all other instruction in order to teach the people to be Repealers, in spite of Her Majesty's Government. What was the moral conduct of the Irish nation after the experiment of Maynooth had been tried for half a century? The noble Duke then referred to the last charge of Mr. Baron Lefroy, delivered on the 17th of March, 1845, in which it was stated that the calendars abounded with crimes of the most distressing character, and that, while the number of offences within the previous six months in one riding of one county in Ireland amounted to 653, only 164 of the offenders had been made amenable. He (the Duke of Manchester) supposed their Lordships intended education to be a means to an end. They did not wish, he apprehended, merely to inculcate abstract principles, but to make the people better subjects and more amenable to the laws. Had they succeeded in this object? So far from educating the people so as to prevent crime, he would declare it as his opinion that the Roman Catholic priesthood connived at and concealed crime. The noble Duke referred to the opinion of Mr. Justice Fletcher in support of this statement. He would go a step further; he believed that the Roman Catholic prelates by their conduct actually encouraged crime. The noble Duke then referred to evidence given before a Committee of the House of Lords, to show that persons had been denounced by the priests from the altar for giving information and evidence against criminals; he also quoted the opinion of Mr. O'Connell as to the prevalence of crime. What was the state of things after the passing of the Roman Catholic Relief Bill, when the Roman Catholics were full of protestations of gratitude? Why, in the Committee on the state of Ireland, in 1832, Mr. Miles O'Riley stated that in the year 1830, about the month of August, a strong objection to tithes, emanating from some invisible authority, suddenly arose, and the people became persuaded that they would be able in two or three years to procure their abolition; and the consequence was, that Whiteboy offences and crime and disorder became prevalent throughout the country. It could not be denied that this agitation and these combinations had existed with the knowledge of the priests. One ecclesiastical authority had gone so far as to denounce as damnable the judges and juries who executed the laws of temporal princes against Roman Catholics. He contended that the doctrines taught at Maynooth, and the system of discipline which there prevailed, rendered the priests who were educated at that College willing and ready instruments to carry out, at whatever cost, the political movements of the Roman Catholic hierarchy. The books read at Maynooth were the works of Jesuits and Thomas Aquinas, who, though not a Jesuit, still concurred in the doctrine of implicit obedience to the will of the ecclesiastical superior of the Romish Church, whose head was at Rome, in all things temporal as well as spiritual. He held that their Lordships were not justified in

sanctioning a measure for endowing permanently an establishment which inculcated doctrines so dangerous to the peace and safety of this country. There was something in the Romish religion, as it existed in Ireland, inimical to free institutions. Romanism was perhaps more impracticable, consistent with free government in Ireland, than in any other country. It must either be dominant or it must be kept under control; no middle course was practicable in regard to a religion the professors of which were absolved by their spiritual superiors from all allegiance to temporal Sovereigns. Did their Lordships suppose if they granted this measure, if they abrogated the property of the Established Church in Ireland—if they restored the forfeited estates—did they suppose while one thing was kept back that the Roman Catholics would be satisfied? or did they suppose they would rest in their demands while a Protestant Sovereign was upon the Throne? He contended that while the Papal bulls were in force in Ireland, they would not. He should give his most strenuous opposition to the Bill.

Lord *Beaumont* said, the debate had now taken a turn which compelled him to address their Lordships at a much earlier period than he had intended. He should have been satisfied to have expressed, at the close of the discussion, the deep gratitude he felt to those whose talent, energy, and perseverance, had enabled Ministers to produce the present measure of justice to Ireland. But the debate had, by the speeches of the noble Earl (Earl Roden), the right rev. Prelate, and the noble Duke, placed him in such a situation, that he should not do justice to his co-religionists were he not to rise up at once and give the most positive and unqualified denial to many of the statements which had been made. If those statements were true, if the arguments which had been used against this Bill were well founded, and if the noble Earl (Earl Roden) really believed in what he had read and what he had spoken, he had only half fulfilled his task. It was not enough to say, in that case, refuse this grant to Maynooth. If he believed such to be the doctrines of the Catholic Church—if such were, in his opinion, the doctrines taught by their priests—why did he not come forward in defence of his country, in defence of all that was holy, all that was sacred, and all that was right, and demand of their Lordships to take immediate measures for sweeping such poison and such venom from the land? Toleration would in that case be a crime; because such a system of doctrine as he had led them to suppose, partly by insinuation and partly by his statements, to be in connexion with the Catholic religion, could not remain inactive; but, if tolerated, must insinuate itself throughout the whole Empire, and lead to that national ruin which it should be the duty of every legislator to ward off. He had listened with some astonishment to the authorities the noble Earl had quoted, and to the cross readings of the noble Duke; and when he considered the books from which one had drawn, and the stories that the other had retailed, he told both that they knew but little of the plan on which the Catholics were educated—nor even of that which was taught at Rome—although the noble Duke referred to the conferences of the bishops as if he knew the opinions that had been expressed at them. The noble Duke found questions put down for discussion. He found these questions to be upon a variety of subjects regarding which different authors had expressed different opinions; and the merits or demerits of those conflicting opinions were to form the matter for argumentation at the annual conference of the bishops. Be it so; allow that those dangerous doctrines were the subject of discussion—that those extraordinary questions were taken into consideration at the conference: these questions are not authorities; a discussion being raised upon them does not imply an adoption of the doctrine they allude to. You must have the answers to the questions—the results of the conferences. But the noble Duke did not read any answers to the questions—did not state any opinion as the result of the debate. But what did he do? He found questions put down to be debated in the same way as at a debating club—ingenious questions which formerly agitated Europe; but as he did not find, he had not read the answers; he drew conclusions in some cases from events that had happened, and in others from the opinions persons treating those questions had thought proper to quote, but which were in no way whatever binding upon the Church. These questions were put forth in a speculative age of the Church, when

there was a great liberty of discussion, when men were allowed to put foward the wildest opinions on one side and the other, and from these the noble Earl drew his conclusion, that the doctrines of the Church were in accordance with them. Many of these subjects had nothing to do with Roman theology, and were not admitted or taught by Roman theologists. The noble Earl might just as well have quoted any lay authority. He seemed to think that what he called the Ultramontane doctrine of supremacy must be taught here, because the Gallican doctrine was not taught; but was there nothing between the Gallican and the extreme Transalpine doctrine? Did not the majority of the Church take the medium course? If the noble Earl went to Rome, where would he find in the teaching of the Propaganda this doctrine of allegiance? He would not hear the word allegiance mentioned by the teachers of divinity or theology, because the question of allegiance was not a theological question, but one which arose out of the *Droit Commun de l'Europe.* During the contests which formerly raged between rival families in various States of Europe, the questions of allegiance and the power to suspend the duty of the subject were mooted, and Rome as a sovereign power took part in these questions of policy; but these questions were neither then nor are now looked on as questions of theology, but merely matters of State policy, rising out of the *Droit Commun de l'Europe.* If the noble Earl or the noble Duke went to Rome, they would find taught in the Propaganda other doctrines than those they mentioned; and that as to the doctrine upon allegiance, on which so many comments had been made, it was not taught, and the book from which the noble Earl quoted was one in which there were many opinions that had been condemned. The noble Earl knew well—right well—that the doctrines he referred to were not acted upon. How, then, could the noble Earl quote opinions out of a book which was not an author y, and say that these were the doctrines of the Catholic Church? He complained of this as not fair. He was not able to enter into a polemical dispute; but if he had been prepared for anything like such a discussion, he could have brought down to that House authorities — recognised authorities—which gave the lie, if he might use the word, to the doctrines which the noble Earl had quoted.

The Earl of *Roden* said, the books he had quoted were those returned to Parliament as the books used in the College of Maynooth.

Lord *Beaumont* said, had the noble Earl remained silent, he would have found that this was the next circumstance of which he was going to complain. A thelogical student, at a certain period of his career, was bound to enter into these disputed questions, and to examine both sides. He was bound to read these books; but the very Report the noble Earl quoted, declared, when the question was put with regard to these doctrines, that it was positively denied they were ever inculcated. Would it be fair to accuse Dr. Lingard of holding a certain doctrine, because, in the margin of his work, he might have quoted an extract from some dishonest writer? He complained that the noble Earl had avoided the main question at issue. He said he would tolerate the existence of the Catholics in Ireland. But there they were: they might refuse this grant to Maynooth, but they could not make them fewer in number. There they were, the subjects of the realm; they had tried every means but one, with them: let them read the history of Ireland, and then ask themselves what means had they not tried, except kindness and conciliation? And what had been the result? There they remained, a living monument of injustice, increasing in spite of all their miseries, increasing in proportion to their poverty, in proportion to all the inflictions they had endured. And with these facts before them, the noble Earl took it as a merit to himself, that he would tolerate their existence! He considered that an act of kindness towards his fellow countrymen! But no statesman could blink the question; they could not remain where they were; they could not merely tolerate, and do nothing more. Whatever question might arise as to the merits of the two religions, no man who put himself in the place of a Government could quietly sit down and say, we will leave these things as they are. They must take some course or other they must advance in one direction, or pursue the contrary. If they were not prepared to put an end to the Catholic religion, and remove the influence of the priesthood, they must take the other course, and improve that influence by ameliorating

the condition of the people and the priests by educating them. They might thus put an end to the hostility that would prevail as long as one Church was predominant, and the other absolutely crushed under foot. If they were not prepared to pull down one Church to the level of the other, they must elevate that other by improving its condition. He knew there was an antagonism between them; it was increased by the relative circumstances in which they stood, one elevated and the other depressed. But as they approached one another in position, so in proportion that antagonism would cease. In foreign countries the two religions existed together in perfect cordiality; he had seen mass celebrated in the morning, and service performed in the evening according to the Protestant rites, within the walls of the same Church. With such instances before them, he believed it possible, by fair treatment of the depressed clergy, to arrive at a similar good understanding. He did not look on this Bill as an isolated measure, but as the index and beginning of another system. He thought other measures would be required before the full effect of that policy would be realized; he declared his opinion on this point, even at the risk of furnishing an argument to those who opposed it. He thought their consideration might be extended to the working clergy of Ireland; if they intended to conciliate that body they must not be contented with assisting the student who intended to enter divine orders, but must give some support to the minister of religion while fulfilling the arduous duties of his mission. He who visits the cabin of the miserable, braves infection while affording religious comfort to the sick, and whispers hope into the ear of the dying man, surely has as great claims on their bounty as the young scholar who is pursuing at Maynooth his course of divinity. There might be a question as to whether the books studied at Maynooth were the best that might be selected; but there could be no doubt as to the advantages which result from the proper fulfilment of the ministrations he had just alluded to. The present measure was not directly connected with the endowment of the Catholic clergy in Ireland, but must indirectly lead to the consideration of it; and even after that, they would be compelled to do something for the laity. He spoke with more freedom on this point, because there was then a measure before the other House of Parliament—a measure which, if properly carried out, would prove a great boon to all classes above the lowest class; for at present there were no means for the sons of merchants, shopkeepers, and other persons in easy but not affluent positions, of obtaining a useful and liberal education. He was aware that he was treading on dangerous ground—he felt he was placed in this dilemma—namely, that he must either look on this question as an isolated measure, in which case he should be obliged to confess his opinion of its inefficiency and insignificance, and thereby appear ungrateful to the Minister who proposed it; or he must look on it as part of a general system of policy for the amelioration of the condition of the Catholic population in Ireland, which opinion expressed by him, would be used as a further ground of alarm by the opponents of the measure. But, although he felt this difficulty in speaking to the general question, he would fearlessly assert that other measures must follow this, or this would be of little or no avail. If the intention of Government with regard to lay Colleges were carried out, young men of the middle classes might first obtain in them a general education, and subsequently, in case of their feeling a vocation for the priesthood, they might pursue their theological studies at Maynooth, and thus, after a course of divinity proceed to their parishes accomplished scholars, good divines, and men of the world. No one could deny the good effect that even a few such men would produce in the general tone of the body of the priesthood in Ireland. Their influence might not be increased by an improvement in their condition; for they knew from experience that the poorer the priest the greater his influence with the people; but it was at the same time impossible that the clergy should acquire more liberal and enlightened opinions without the consequence of such improvement in their education being accompanied by a diminution of the religious animosity and sectarian violence of the laity over whom they had charge. The noble Earl had alluded to the events at Dingle; but he (Lord Beaumont) would not enter into the subject further than to say, the persecution of which the noble Earl justly complained, arose from the ignorance and bad habits of the people, and not in consequence of any doctrine

now professed by the Catholic Church. The practice of the members of a Church and its doctrines were distinct things; and though instances of persecution might be justly charged in times gone by to Catholics, he (Lord Beaumont) denied that persecution of heretics was a doctrine of the Church. It might be the policy of certain Catholic rulers, but not the principle of their creed. After alluding to some other portions of the noble Earl's speech, the noble Lord concluded by expressing his gratitude to Government for the spirit in which they brought forward the measure; but reminding them, at the same time, how much they were indebted to their predecessors in office for having prepared the way for this liberal line of policy—a line of policy which involved no abandonment of principle, but was merely the effectual carrying out of a principle which had been recognised by the present, and long acted on by the former Government; to the combined efforts of both he felt indebted.

The adjournment of the debate was here moved, but not pressed.

The Bishop of *Cashel* promised that he would speak much more shortly to-night than he might do, were he to defer his speech until to-morrow. He thought that the question before the House was one of very grave importance. With respect to the system of education pursued at Maynooth, it was clear that where there was a doubt there should be inquiry. He might call on the noble Lord who had last addressed the House to join in voting for an inquiry; for, if there was any doubt as to whether the doctrines taught at Maynooth were not disgraceful to the Roman Catholic religion, and contrary to its principles, the noble Lord himself must be anxious to have that point settled. For his part, he did not want a Committee of Inquiry, for his mind was made up upon the question from other considerations. There were, however, many who desired inquiry; and it certainly was an important question whether that exclusive kind of education adopted at Maynooth, merely for the priesthood, was calculated to be useful to the country. He thought that kind of education was full of evil; and he believed it to be an advantageous circumstance that the clergy of the Established Church had not an exclusive education of that kind, and that they were not from the beginning trained up as ecclesiastics, but as gentlemen and scholars, and that afterwards, when the fit time came, they turned their attention to the particular profession which they meant to follow. There was another subject deserving inquiry. They read in the Eighth Report that there certainly had been an intrusion of Jesuits into the College of Maynooth. Now, he could bring authorities from the Roman Catholic Church to show that it was opposed to the interference of the Jesuits, and therefore even Roman Catholic Peers might fairly vote for an inquiry to ascertain whether the doctrines of the Jesuits, who at different times had been expelled from every Roman Catholic country in Europe, were taught at Maynooth. The Abbé Marcet de la Roche Arnauld, a Roman Catholic, said—"Do you wish to excite troubles, to provoke revolutions, to produce the total ruin of your country? Call in the Jesuits, raise up again the monks, open academies, and build magnificent colleges for these hot-headed religionists," &c. But he objected to being a party to the endowment of Maynooth College, on the ground that he could not conscientiously be a party to teach what he considered to be erroneous. He felt assured that he could state the reasons which actuated, him in language not offensive to the Roman Catholics, unless they should be offended with the circumstance of his being a Protestant by conviction, and the bishop of a Protestant Church. He would first remark, that the formulas of our Church, and the legal enactments of our State and Church, all spoke of the Church and State as a Protestant Church and State. The fifth Article of the Act of Union declared that the Church was one united Protestant Church. He therefore trusted that he should not be considered offensive if he still continued to maintain true Protestanism; that was, if he held out his protest against that which all members of the Established Church considered to be erroneous in the Church of Rome. Three hundred years ago the question was tried between our Church and the Church of Rome, and the verdict was given against the latter; and the Sovereign could not sit on the Throne without making a most solemn oath, asserting that that Sovereign did believe and hold that the doctrines of the Roman Catholic Church were superstitious and idolatrous. A noble Lord had referred to him, as having stated that the Church of Rome and the Church of England were antagonist. He could not retract that de-

claration. The Church of England came out from the Church of Rome, because of the corruptions existing in the latter Church. Therefore, the Church of England was called a Protestant Church; and he had yet to learn that there was any morality, Christian kindness, or charity, in teaching to others what they believed to be erroneous, and what, he blessed God, had not been taught to him. He would state a few points on which the Established Church and the Church of Rome could fairly be stated to be antagonist. He would not go to any dubious authority, but would contrast together four Articles of the Church of England with certain Articles of the Council of Trent. The right rev. Prelate then read the following:—

6th Article of the Church of England—

"Holy Scripture containeth all things necessary to salvation; so that whatsoever is not read therein, nor may be proved thereby, is not to be required of any man that it should be believed as an Article of the Faith, or to be thought requisite or necessary to salvation."

The Council of Trent—

"The holy and general Synod of Trent doth receive and regard with the like affection of piety and reverence all the Books of the Old and New Testament, as also those unwritten traditions, pertaining to faith and manners, dictated by Christ as it were by word of mouth, &c.; and if any one shall not receive those whole books with all their parts, or shall knowingly and wittingly contemn the aforesaid traditions, let him be accursed."

11th Article of the Church of England—

"We are accounted righteous before God only for the merits of our Lord and Saviour Jesus Christ by faith, and not for our own works and deservings. Wherefore that we are justified by faith only is a most wholesome doctrine, and very full of comfort."

Council of Trent—

"If any one shall say that the wicked is justified by faith alone, so that he understands nothing else to be required which may co-operate to obtain the grace of justification, and that it is not at all necessary that he be prepared and disposed by the Motion of his own will, let him be accursed."

22nd Article of the Church of England—

"The Romish doctrine concerning purgatory, pardons, &c., is a fond thing, vainly invented and grounded upon no warranty of Scripture, but rather repugnant to the word of God."

Council of Trent—

"Seeing it hath been lately taught in this universal synod from Scripture, &c, that there is a purgatory, and that the souls there detained are helped by the suffrages of the faithful, &c., the Holy Synod doth command the bishops that they take diligent care that the sound doctrine concerning purgatory be believed, taught, &c. If any one shall say that the fault is so remitted to every penitent sinner that there remains no guilt to be paid for in purgatory before there be an entrance granted into the kingdom of heaven, let him be accursed."

31st Article of the Church of England—

"The sacrifices of masses in which it is commonly said that the priest did offer Christ for the quick and the dead to have remission of pain or guilt, were blasphemous fables and dangerous deceits."

Council of Trent—

"If any one shall say that there is not offered to God in the mass a true and proper sacrifice, let him be accursed. If any one shall say the sacrifice of the mass is not propitiatory, and that it profits him that takes it only, and that it ought not to be offered for the living and dead, for sins, punishments, satisfactions, and other necessities, let him be accursed. If any one shall say that by the sacrifice of the mass there is blasphemy offered to the sacrifice of Christ upon the cross, or that thereby anything is derogated from him, let him be accursed."

These were the reasons why he called the Church of England and the Church of Rome antagonist Churches; and no one who believed the one to be true, but must believe the other to be false. Some people said that the Church of Rome, in these days of light and of the march of intellect, had changed; but he was perfectly sure that the noble Lord opposite (Lord Beaumont) would not admit that this had brought any change on the Church of Rome. The noble Lord would be ready to say that, like his great Master, it was the same yesterday, to-day, and for ever. The question arose, could they, as members of a Protestant State, teach what they believed to be errors? He confessed that he dared not; and he felt that on this point the State was in the same situation as individuals. The State took upon itself to assert those great truths antagonist to the Roman Catholic doctrines; and the State therefore could not, any more than an individual, honestly teach what it had asserted to be wrong. He maintained that, before the State could consistently or honestly endow, and make a part of its own very being, an institution for teaching the doctrines of the Roman Catholic Church,

it must first un-Protestantize itself, and relieve the Crown from that awful asseveration with respect to the superstition and idolatry of the Roman Catholic Church. Where would the statesman now be found to un-Protestantize the country? That had been tried at the end of the 17th century, and a verdict was given with heavy costs—the costs of a monarch's crown. He was sure that no statesman would now rise up to un-Protestantize the country; and even if that fertile mother of children of various forms and various colours — political expediency — should ever produce such a Minister, the united determination of the country would impede and hinder his ungodly act. Some men of dim views of honesty maintained that they could hold the doctrines of the Church of Rome, and yet subscribe to the Articles of the Church of England. They might support this measure, but he trusted they were few, and that the immense majority of the people would adhere to Protestantism. There were some few among the Dissenters who might support the present measure. If there were, they were the Unitarians, who would un-Protestantize and un-Christianize our country. The other Dissenters would always join, he hoped, with the Church of England in resisting any attempt to un-Protestantize the country. Supposing that the present Bill were passed, he could not understand how the Ministry could ask the Queen, after the solemn declaration she had made, to sign a Bill which promoted the teaching of un-Protestant doctrines. He believed the present measure to be the first step to something further. This policy must end in the endowment and establishment of the Roman Catholic clergy, and then they would have the unsightly spectacle of the State endowing two antagonist principles. Now, he would much rather join in the spirit of our countrymen of old, who, when they could not enjoy that toleration which in these days they would have received, went across the Atlantic voluntarily to support their religion—he would, he repeated, far prefer a universal voluntary principle, and the putting away of all establishments, to that which was the child, not of the pious Puritans of old, but of infidels of later times—viz., the endowing of two or three religions, because they believed in none. Against that infidel spirit he protested. He could not but oppose this Bill, in order to maintain his character as an honest man, who would not tell truth to one party, and a lie to another. He could not do otherwise than oppose this Bill, as a bishop of the United Church of England and Ireland, who had promised to be ready with all faithful diligence to banish and drive away all erroneous and false doctrines contrary to the word of God. He believed nothing could be more dangerous to the safety of our Established Church, or to the principles of any establishment, than for her clergy to evince indifference to the institution of seminaries for teaching Popery; and he trusted that none of the Bishops of the Protestant establishment would, while receiving its revenues, hold out the hand of fellowship to those who branded their doctrines as accursed. He could not but oppose this Bill also, because he was unwilling to aid in bringing upon this nation those evils which must result from the establishment of a false religion in the land of his nativity. He might be allowed to quote the words of a martyred Archbishop of Canterbury, in whose sentiments, though not in his precise language, he fully concurred. [The right rev. Prelate quoted several passages from the writings of Archbishop Cranmer on the Roman Catholic doctrine of transubstantiation, warning persons, in the name of God, to flee from Babylon, if they would save their souls, and to beware of that great harlot, that she made them not drunk with her best wine.] With these sentiments, and with the earnest prayer that they might partake largely of the spirit of Cranmer, and be ready, if the necessity should arise, to follow him to the stake, he gave his support to the Amendment.

Lord *Clifford of Chudleigh* wished to ask the right rev. Prelate if he was acquainted with the Eighth Report of the Commissioners of Education? [The Bishop of *Cashel* said he was.] He considered, then, that the conduct of the right rev. Prelate was very unfair. The examination of the Rev. Peter Kenry, with whom he was personally acquainted, occupied twenty-three pages of that Report, and afforded all possible information relative to the principles of the Jesuits, and their connexion with Maynooth; and he considered that it was most unfair to endeavour to stop the progress of this Bill, in order to enter into an investigation of a subject upon which any noble Lord could receive the fullest information in the library of the

House. It was in the power of every Peer to obtain the information given to the Committee, which was most ample. He must say, that he did not think a more important Bill than the present, with reference to England and Ireland, had ever been brought before that House; and he wished it might pass in such a manner as to show the people that the Conservative part of the constitution of England had stamped the measure with the seal of their approbation, in compliance with the wishes of the people. He might be permitted to say, that the Rev. P. Kenry, when under examination on the subject of oaths, said that, "Allegiance is a duty which a subject owes to his Sovereign before any other obligation is contracted, whether to bishop or superior, and he is therefore already bound by that superior duty." He did not see that any possible benefit could result from the inquiry proposed by the noble Earl, when ample information on this subject was within their reach in the library.

Debate adjourned.

House adjourned.

HOUSE OF COMMONS,

Monday, June 2, 1845.

MINUTES.] BILLS. *Public.*—1°. Pious and Charitable Purposes.

2°. Colleges (Ireland).

Reported.—Banking (Scotland); Banking (Ireland); Privy Council.

3°. and passed:—Military Savings Banks.

Private.—2°. Grimsby Docks; Molyneux's Estate.

Reported.—Cork and Bandon Railway; Sheffield and Rotherham Railway; Lancaster and Carlisle Railway; Whitehaven and Furness Railway; Cockermouth and Workington Railway; Leeds and Thirsk Railway; Harrogate and Ripon Junction Railway; Shaw's Waterworks; Harwell and Streatley Road (re-committed); Manchester Court of Record; London and Greenwich Railway

3°. and passed:—Yoker Road; Chester Improvement; Spoad (Clun), &c. Inclosure; Stokenchurch Road; Midland Railways (Nottingham to Lincoln); Berks and Hants Railway; Midland Railway (Syston to Peterborough); Scottish Central Railway.

PETITIONS PRESENTED. By Mr. Bannerman, from Members of Free Union Church Congregation, Aberdeen, for Better Observance of the Lord's Day.—By Sir T. Esmonde, from Wexford, for Legalizing Marriages solemnized by Presbyterian Ministers (Ireland).—By Mr. Mainwaring, from a great number of places, against the Grant to Maynooth College.—By Sir W. Somerville, from Drogheda, for Abolition of Ministers' Money (Ireland).—By Mr. Mainwaring, from several places, against Union of St. Asaph and Bangor.—By Sir R. H. Inglis, and Captain Gordon, from several places, against Universities (Scotland) Bill.—By Mr. Bannerman, from several places, for Reduction of Tolls and Dues levied by Lighthouses.—By Mr. Mackinnon, and Mr. Muntz, from Dodsworth, and several other places, for Inquiry into the Anatomy Act.—By Mr. Hawes, and Col. Paget, from several places, for Establishment of County Courts.—By Mr. Adderley, Mr. Aglionby, Mr. Busfield, and Mr. Muntz, from a great number of places, in favour of the Ten Hours System.—By Mr. Bright, from several places, for Repeal of the Game Laws.—By Sir R. Peel, from Macroom, for Alteration of Law of Landlord and Tenant.—By Mr. Dick, from Maldon, against Merchant Seamen's Fund Bill.—By Mr. Compton, from Guardians of the South Stoneham Union, against Parochial Settlement Bill.—By Mr. Aglionby, and Mr. Bright, from a great number of places, for Diminishing the Number of Public Houses.—By Mr. Trotter, from Farnham, for Inquiry (Royal College of Surgeons).

PRECAUTIONS AGAINST FIRE.] Colonel *Wood* wished to put to the right hon. Baronet the Secretary for the Home Department a question connected with the fire which took place in Dover-street, and the evidence given before the coroner's inquest. He understood that some of it related to fire escapes, and the propriety of hotels being provided with ladders and other facilities for escape. He wished to know whether this evidence had been reported to the right hon. Gentleman, and if any measure of precaution was in contemplation?

Sir *J. Graham* said, the evidence at the late inquest had not yet been officially reported to him. With reference to the policy of taking any precaution against fire in the police arrangements of this metropolis, that matter had been carefully considered by him some time ago, and, at his request, his noble Friend at the head of the Woods and Forests had endeavoured to obtain from several foreign countries—from Paris, Vienna, and the United States—information as to the precautions taken in those countries. He confessed he had a strong impression that it would not be advisable to connect those precautions with the police, but that, as in Paris, a separate establishment should be created, the duty of which it should be to take precautions against fire. His noble Friend had not obtained all the information he desired; but when he should have obtained that information, it would be his duty, in conjunction with his Colleagues, to consider of a substantive measure on the subject, and to present it to Parliament.

RELIGIOUS INSTRUCTION—OXFORD.] Mr. *Blackstone* wished to take an opportunity of saying a few words on behalf of a learned body representing the College of Christ Church, Oxford, who conceived that the right hon. Baronet the Home Secretary had attacked them unjustly in some observations which had escaped him on a previous evening. The right hon.

Baronet had stated during the debate on Friday that he was not allowed to attend divinity lectures. ["No."] Well, then, if not allowed, not obliged or compelled to attend such lectures, or called upon to receive any religious instruction during his residence at Christ Church, Oxford. On hearing the right hon. Baronet's statement, he had written down to the Censor of the College in question, being anxious to put the House in possession of the facts with respect to the system of education enforced towards the pupils there at as early a period as possiole. He had done this, considering that the character of the collegiate body of Christ Church, as well as that of the University of Oxford at large, was at stake. The following was the answer which he had received from the rev. gentleman to whom he had addressed this inquiry:—

"*Christ Church, June* 1.

"Dear Sir,—The first form of examination statute, departing from the provisions of the Laudian Code, is dated May 21, 1800; it contains the following clause;—'Porro in omni examinatione nunquam non adjiciantur rudimenta religionis et doctrinæ articuli in Synodo Londini anno 1562 editi; in quibus, juxta academiæ statuta, a tutoribus instituendi sunt omnes qui illorum tutelæ committuntur.'—Tit. ix., 2. 2. The allusion here made has regard to a clause in the Laudian statute, which is still in force:—'Tutor vero scholares tutelæ et regimini suo commissos probis moribus imbuat, et in probatis autoribus instituat; et maxime in rudimentis religionis, et doctrinæ articulis in Synodo Londini anno 1562 editis; ac pro virili suo disciplinæ in ecclesia Anglicana publice receptæ eos conformes præstabit. Quod siquis in aliquo prædictorum deliquerit, arbitrio Cancellarii vel Vice-Cancellarii coerceatur.' The public provision made for this in Christ Church is by a lecture delivered on Mondays, Wednesdays, and Fridays during term, immediately after morning chapel, and made compulsory on all classes during their third year, with an examination at collections in the subject of the term's lecture. I came to Christ Church in 1822, and I found the practice existing of tutors devoting the Saturday, or sometimes a part of Sunday, to familiar catechetical lectures with such of their pupils as were not included in the public course. The intercourse on this occasion was more friendly, the obligation of attendance less strict, and no account of it was rendered at collections. This practice you remember, and it has continued with such differences as each individual has thought convenient. The requisitions of the present examination statute are more particular on the subject of religion than that quoted, as you know. The statute is dated the 23rd of November, 1830. Each person avails himself at his pleasure of the opportunity of attending the University sermon. I propose to send a copy of this to Sir J. Graham, as he did me the honour to call on me lately, on bringing a young man up to Christ Church, who is now my pupil. I am, dear Sir, faithfully yours,

"J. LEY.

"W. I. Blackstone, Esq.,
28, Albemarle-street."

Such was the explanation given to him by the rev. the Censor of Christ's Church. With regard to the enforcement of the rule, all he could add was, that the first examination of the pupil always included divinity, and if it did not prove satisfactory he could not pass.

Sir *J. Graham* said, that lest it should be supposed he had said anything either harsh or unjust towards a College for which he entertained very sincere and cordial feelings, he begged to make a few observations. The rev. gentleman referred to by the hon. Member had been so obliging as to send him a copy of the letter which the House had just heard read; but with reference to the point upon which its contents touched, the rev. writer was so much his junior at the College as not to be able to speak upon his own knowledge of the practice of the College under his control at the period when he (Sir J. Graham) was a student there. What he had stated was, that during the years 1810 to 1812, those being the two years in which he resided at Christ Church—he did not say that he was not allowed—but that he was not obliged—not compelled to attend theological or divinity lectures; although on his first or preliminary examination the Greek Testament did certainly form part of the preparation which he had to make. But he asserted, and he did so advisedly, that during the whole period of his stay at Christ Church, he had received no assistance whatever to prepare him for such examination, nor was he obliged to attend divinity lectures, nor did he hear one University sermon whilst he was at Oxford. In the third year of their stay, it was true, the graduates were called upon to attend an hour during three days in the week to a divinity or theological lecture; that practice commenced in 1810, and it still continued. He should be sorry to be supposed to have said anything to disparage the College in question; and he was very glad to find that the observations which he had made had had the effect of elicit-

ing the fact that the neglect which had prevailed in his time was not now carried so far.

ACADEMICAL INSTITUTIONS (IRELAND)—ADJOURNED DEBATE.] Mr. *Monckton Milnes*, resuming the Adjourned Debate, said, he should confine himself strictly to the Motion before the House — the Second Reading of the Colleges (Ireland) Bill. The measure had been opposed on two very different grounds—the one intelligible and logical, but of the other he could not say as much. One kind of opposition had been raised by the hon. Members for the Universities of Oxford and Cambridge; and this he would call the Protestant opposition. Those hon. Members had some time ago refused to contribute anything to the education of the Roman Catholic clergy; and now they asserted that it was impossible for the present Government to do anything for the education of the laity of Ireland. They said they would not allow of this education, because it was not religious; but surely they would see that there was a sophism in their argument. They used the term religion not in the sense in which a Roman Catholic would use it, but in a sense peculiarly Protestant. Therefore, if the argument assumed this form, the Government must either establish colleges in Catholic Ireland upon Protestant principles, or those hon. Gentlemen would not assent to any colleges at all. What was that but the absolute evasion of all education whatever for Roman Catholics? But another line of argument had been adopted by his noble Friend the Member for Newark, and his noble Friend who had seconded him, and a strong pamphlet had been put forth, which it was probable some hon. Members had read, in which the "ungodlies" of Her Majesty's present Government had been spoken of as if the writer had not liked to use the hard Greek word Atheist, but had preferred the negative expression. If the whole subject were examined, it would be found that there had been in different periods of the world two great academic systems. One of them had arisen in the middle ages, and had been fostered by the Catholic Church; and upon that had been founded the two Universities of Oxford and Cambridge. No doubt at that time there had existed throughout the whole of the European Universities a strong and severe religious discipline, and there had also been the introduction of religious matter into all the forms of science and philosophy; but why was it that a different system had since been adopted, and even forced upon the minds of the people? Now, the student at Padua or Bologna was as free in these matters as the student at Ghent. Bologna was full of young intellect; and he had been told that the Church had regarded persons in that University, in respect to the late revolution, with a more suspicious eye than any other part of the population. His belief was, that academical institutions which were now to be founded, either in Ireland or elsewhere, must be founded irrespective of religious education. He must not, however, be understood as carrying this argument too far. There was nothing in the principle to exclude private endowment for separate religious persuasions, or voluntary examination in religious matters; nor did it exclude—if it could be imparted properly and usefully—that part of theological instruction which did not bear directly upon religious opinions, but which formed part of the education of every man of good breeding and understanding. To illustrate the case, he would mention the University of London, which had been founded irrespectively of religious instruction. A proposal to admit voluntary religious instruction there had been made by Dr. Pye Smith; and there was no doubt that examination upon historical Christianity would by this time have formed part of the education at the London University, had it not been for fortuitous circumstances, which in all probability would be overruled. Now, if this system were not chosen in Ireland, the other must be adopted to its fullest extent, and the academical education of the youth of that country must be entrusted solely to the Roman Catholic clergy. For that body he had never expressed or entertained any disrespect; he had always regarded them as most able and worthy men, and the only faults he could find in them appeared incident to their political position. He did not, however, think that any Member of that House would be favourable to placing academical instruction solely in the hands of the Roman Catholic priesthood. But he thought, although the Resolutions he held in his hand contained much that the Government could not grant, they yet contained much that was reasonable, and which any Government would practically adopt. No doubt a majority of the students in the south and west being Roman Catholics, it would be only just that a majority of the professors there should also be

Roman Catholics. His right hon. Friend had just answered some remarks made by the hon. Member for Wallingford, relative to Oxford University, which he (Mr. Milnes) would notice, because that statement bore upon the University of Cambridge also, to which his noble Friend the Member for Newark, and himself, owed so much. In his time, during the whole period of his University course, he had never heard the subject of divinity mooted in any way. The only point connected with it was, that he remembered being examined, not theologically, but critically, in one of the Greek gospels. It would give him much gratification to see these proposed Colleges, when established in Ireland, forming one great University for Ireland with Trinity College; and he hoped to see the day when Trinity, preserving all her collegiate rights, would yet be brought into a wider field of usefulness, and that the whole of the Colleges would flourish as one national University, each College enjoying its own rights and privileges. One word to the Roman Catholics of Ireland. He owned he did not think the course they had adopted in this matter was altogether wise and useful. The Irish people would do well to consider whether it would not be better for them that their academical education should be founded upon a great liberal basis, rather than be dependent upon the will of any hierarchy whatever. He believed that the indirect influence which that hierarchy would necessarily have, was much better than any direct influence which could be placed in their hands. As to the danger of infidelity, he could not entertain such a fear regarding the most Christian nation on the globe. The Irish clergy might, he thought, be depended upon for implanting religious instruction in the minds of their youth. There was Young Ireland and Old Ireland, and, though there might have been a reconciliation at Conciliation Hall, and the wound to all appearance healed, yet the fact of there having been a reconciliation showed that there was a party in Ireland jealous of the encroachments of the Roman Catholic hierarchy—a party which would grow up and increase to a formidable extent. Let the Roman Catholic Church exercise, as it now did, a free and independent influence, and a pastoral care; but, he believed, that to entrust it with any further power would be most fatal both to Ireland and to England.

Lord *John Russell:* I quite agree, Sir, with one observation made by the hon. Gentleman who has just sat down. He says this measure makes no pretence to perfection. I agree with him in that, but I own I do not think that a merit in the Bill. I could have wished it had been less crude. I wish it had been prepared with more care, that it might tend better to complete the system of education in Ireland. I say this, because I acknowledge that the motives for bringing it forward indicate both a wish and an intention to promote the happiness of Ireland. I agree that the object is a praiseworthy one; and I differ widely from my hon. Friend the Member for the University of Oxford, who is one of the strongest objectors to this Bill. But at the same time, in reviewing the different provisions of this Bill, I cannot but think it still requires much alteration and improvement to fit it for the object for which it is intended. I will look at it in two points of view. I will look at it, first, as regards the circumstances of Ireland; and, secondly, as regards the principles upon which it is founded, and on which it is recommended by Her Majesty's Government for adoption by this House in the present Session. As respects Ireland, I have always considered that the Catholic Relief Bill created an entirely new state of things in Ireland, and that from that time the Legislature and the Government were bound to look to a better organization of society in that country. I say a better organization, because I consider that many of those ties which are strong in all those countries where social happiness is secured—which are strong in this country, England—are feeble, and in some cases are nearly altogether dissolved, in Ireland. Whether the Government be in the hands of one political party or another, its acts are received by the people of this country as sanctioned by authority, to which they are ever ready to pay due obedience. We have laws, the administration of which possesses the general confidence of the people both in England and in Scotland. We have an Established Church whi h exercises great influence for good throughout this country; and there is an Established Church of another form which has the greatest influence in Scotland. We have another relation in this country—the relation of landlord and tenant—which binds men together by the ties of protection on the one hand, and of regard on the other. If we look to all the relations

and all the ties which bind men together in society, we shall find a vast difference between this country and Ireland. In Ireland, your Executive is weak—not personally weak. No man will say that its weakness arises from any personal fault of the Lord Lieutenant to whom is at present entrusted the government of that part of the British Empire. Nobody can doubt that that noble Lord (Lord Heytesbury) is sufficiently qualified, both by talent and experience, to discharge the duties of the situation in which he is placed. But your Executive in Ireland is from circumstances weak. If you look to the administration of the law in that country—which it was one of the great objects of the late Government to strengthen, from the conviction that popular confidence was the surest basis upon which the law of any country could rest—you will find, nay, we have heard the right hon. Baronet the First Lord of the Treasury himself admit, that in the administration of the law there is not that confidence among the people of Ireland which is absolutely essential to its producing any beneficial effect. If, again, we look at the Established Church in Ireland, what do we see? We see that that Church has influence over only a small portion of the people, while among the great mass it neither affords religious consolation to the dying, nor moral instruction to the living. And, finally, if we look at the relation of landlord and tenant in that country, we shall find that it rather promotes dissension and crime, than good order and peace. If, then, Sir, such is a true picture of the state of Ireland, I think that a Government, in undertaking the great subject of public education, ought to endeavour, upon that subject as upon every other, to knit together the various orders of society, and make use of any means and of any power which they might find existing in that society which tended to promote good and to avert evil. Now, Sir, as I view it, differing as I do from a great portion of the people of this country, I consider the Roman Catholic Church in Ireland as one of those powers by which good may be promoted—by which the people may be drawn away from disturbance—by which they may be brought to meet together in social brotherhood, and by which they may be led to pay a willing obedience to authority, and just respect to the law. I should say, therefore, Sir, on a question of this kind, the influence of the Roman Catholic clergy ought to be fairly, not humbly or meanly, but fairly and honestly sought. The terms which they might ask might be extravagant or narrow minded; but you should fairly discuss with them as to what could be introduced in your plan, and what ought to be rejected. In this respect the present Bill is very defective; but most certainly, you should not omit in any Bill which you propose for academical education in Ireland, that great element of your success, and almost the basis upon which your system must in future rest — the concurrence of the Roman Catholic clergy. What do I find in the memorial which has been presented by the Roman Catholic hierarchy to the Government on this subject? I find that the Roman Catholic prelates of Ireland—representing the Catholic Church in Ireland—have come to resolutions which, whatever may be made of them by others, appear to me merely to imply mistrust in the tendency of your measure—a fear that the faith and morals of the middle orders of the people of Ireland belonging to the Roman Catholic communion, will be endangered by the measure you have proposed. Unless, therefore, you can allay these apprehensions—unless you can induce the Roman Catholic prelates, and their clergy generally, to think that they can fairly recommend to those who come to them for spiritual advice, that they should place their sons at the Colleges which you propose to found—unless, I say, you can do this, the very best that you can hope for your measure is, that it will be null; but my fear is, that it will be noxious. If that is the case, I think that the prelates and the clergy of the Roman Catholic Church will have derived but little satisfaction from the various observations which have been made in this House upon the subject of this measure. They will derive little consolation from being told that we will not allow of Roman Catholic ascendancy, and that we will keep down the Roman Catholic Church; neither will they receive much encouragement by being told that in Italy there are no such fears entertained respecting the absence of the strictness of religious discipline; that at Padua and Bologna the restraints of former times are no longer observed; and that from thence issued forth the doctrines and disciples of "Young Italy."

Now, what is done in Italy, where little reverence is paid to the Church, with what they know is the case with regard to the Universities of Italy, France, and Germany—for there is no doubt these reflections have crossed their minds—will make the Roman Catholic prelates of Ireland, so far from embracing the plans of those Universities as competent and useful precedents, flee from them as dangers to be avoided. If that is the case, let us consider a little whether there be any mode by which, consistently with our principles, and consistently with the plan we have conceived, we can make this measure more likely to be acceptable to the religious teachers of the great majority of the people of Ireland. It is objected to the scheme, that it is entirely wanting in so far as making any provision for religious instruction. My hon. Friend the Member for the University of Oxford, I conceive, means by that remark, as the hon. Gentleman who spoke last rightly interpreted it, that there is a want of religious instruction in the Protestant faith. It is quite clear, that if that is the want intended to be expressed, and that if you supply that want by appointing teachers in Protestant theology, although you might add to the establishment of the Protestant Church, which is already filled to overflowing, you will produce no effect whatever as regards the general body of the people of Ireland. But when I am told by the right hon. Gentleman opposite (Sir J. Graham) that there are analogous cases and precedents for educational institutions entirely without any provision for religious instruction, I own it appears to me, as the right hon. Gentleman proceeded to quote the analogous cases and precedents, that the analogies had very little resemblance, and that the precedents were by no means applicable. Let us take the educational establishments in England—the Universities of Oxford and Cambridge. The right hon. Gentleman told us with respect to Oxford, and the hon. Gentleman who spoke last told us with respect to Cambridge, that there was but little religious instruction in those Universities. If that be the case, what, let me ask, could be the ground of objection to the admisssion of Protestant Dissenters to receive their education at those Universities? But, in the second place, although the right hon. Gentleman may prove, as he seemed to admit to-night, that there was great defect in the practical exhibitions with regard to religious instruction on the part of the masters and teachers at the University of Oxford, yet he does not prove that that institution was intended to be conducted without embracing religion as a branch of instruction. Above all, we know that before the Reformation, the heads and teachers in those Colleges were generally Roman Catholic ecclesiastics. As soon as the Reformation took place, and in the reign of Edward VI., those Catholics were turned out of office, and Protestants were put in their places. Again, in the reign of Queen Mary, the Catholics were restored to these offices; and afterwards, in the reign of Queen Elizabeth, Protestants were put at the head of these Colleges. In all these cases, these ecclesiastics were put into these offices to carry out the intention of these institutions—namely, that religion should be considered as a main part of the instruction and education that was to be given. But, says the right hon. Gentleman, there were no lectures on theology in those days, but there are now. In answer to this, I must say, I do not think that either in the Colleges already existing, or in those to be hereafter formed, an attendance on theological lectures is necessary for instruction in religion. But, if there have ever been tutors belonging to the Church of England who have had the pupils under their immediate care, and if proctors and masters have uniformly been appointed to superintend the religious education of the under-graduates, it is not just to say that religion has been overlooked in those Universities; or that the State has not considered religious instruction to be a part of the general education of those institutions. My deliberate opinion, however, is, that it is not true that secular education is an evil, unless it be combined with religious instruction. I think that secular education, without religious instruction, is a good. I agree in the argument used by the right hon. Gentleman (Sir Robert Peel), not immediately on the subject of instruction, but with regard to a society established at Tamworth, where persons of various creeds and denominations were joined together for the purpose of obtaining instruction in science and literature. The address delivered by the right hon. Gentleman at that time was very much criticised and attacked; but I thought that the attack, though made

with great ability, entirely failed to shake the position which the right hon. Gentleman had taken up. But this I say, that no man who has the means, with advantage, of joining religious instruction with secular knowledge, will fail todo so. If you look at the instance of any father of a family who is against the system of public education for his children—who disapproves of public schools, and who educates his sons at home—you will not find any such father think it sufficient to give those sons instruction in Greek, in Latin, and in mathematics, or in mere secular knowledge, but he will join with it instruction in the religion of that Church, whether Protestant or Roman Catholic, to which he himself belongs. But when you come to consider public education, you meet with difficulties—and in some instances difficulties which are insuperable. I consider this to be the case with regard to an educational institution, in the foundation of which I took a part—I mean the University College of this metropolis. It was wished that Protestant Dissenters should have the power of sending their sons to the Universities of Oxford and Cambridge. That was refused. Lord Stanley made an able speech in the House of Commons in favour of their admission, but it was refused by Parliament, and they were not admitted. Seeing this, it appeared to me, as well as to others, that Protestant Dissenters should not be deprived of some sort of University education, bearing the best features of secular learning that could be procured. It was a question among some of us belonging to that University, whether some religious instruction could not be given. I remember that some of us who were members of the Church of England thought that it would be advisable to give lectures on theology of so general a kind that all classes of pupils—Dissenters as well as members of the Established Church—might be able to attend. I did not join in that opinion, and for this reason, which I communicated, I remember, to a right reverend Prelate, that having a council entirely of a mixed body, composed of persons of various religious sects, we could have no superintendence or control over the persons appointed to give theological lectures—that it would lead to disputes whether the lectures were in consonance with the true and generally received principles of Christianity, or whether they were calculated to convey dangerous doctrines under the guise of a general lecture on Christianity. But that was a necessity to which we—in reference to the London University—were obliged to submit. We were put to this alternative, either not to have any instruction in divinity at all, or to run the danger of having lectures delivered which might give great offence to members either of the Church of England, or to those belonging to the different sects of Protestant Dissenters. But I think I have shown, that generally speaking, as far as your institutions go, you have, with respect to England, looked to teaching religion as one of the great objects of a university education. I do not speak of what is called the University of London, because that merely examines persons for degrees, those persons having had their religious educations already at various other institutions; some of those institutions belonging to Protestant Dissenters, where there are teachers of theology according to the doctrines of the particular bodies, whether Independents, Baptists, or whatever other sect they may be; or at Roman Catholic colleges, where the pupils have imbibed their parents' faith. The University of London does not profess to give any religious instruction, but examines persons and grants degrees. With respect to Scotland, I think the right hon. Gentleman is in error as to the system pursued at the Universities in that portion of the Empire. There has lately been raised the question whether the test which exists in those Universities should not be abolished; though, in fact, no test is any longer enforced. But the situation of Scotland is entirely different from the situation of Ireland. The situation of Scotland is this—that the people, though differing among themselves about church discipline, and church government, yet are generally agreed upon the main and important doctrines of their religious faith. But it was by no means a matter unimportant in respect to the professors of the Universities of Scotland, as to what their character may be. I remember a case where the appointment of a professor caused great excitement among the religious people of Scotland; and yet it was not concerning the appointment of a professor of divinity, of history, or of moral philosophy, but it concerned merely the appointment of a professor of mathematics.

The right hon. Gentleman may probably remember the case. I allude to Professor Leslie. But taking these as the only analogies and precedents which the right hon. Gentleman can give, we come to Ireland, and there we find a University which is, with regard to the undergraduates, a liberal institution, admitting them to the full benefits of the education given by the College; but with respect to its honours, with respect to its fellowships, there is a separate and distinct system observed. I venture to say that that University forms no precedent for the Colleges which you are about to establish. I cannot understand how it is just that you should establish these Colleges, and not make some great alteration in Trinity College. I can understand very well how you should take the plan recommended by the noble Lord the Member for Newark (Lord John Manners), which that noble Lord quoted from Mr. O'Connell—a plan for leaving Trinity College a separate foundation, and having a distinct University for the Roman Catholics in another part of the country. That would be a plan at once distinct, consistent, and uniform. The Protestants would then have a University; the Roman Catholics would also enjoy their University; and the Presbyterians would possess one of their own. But, Sir, with regard to this particular institution as now proposed, it will differ from the only College at present established in Ireland; it will differ also from the Universities of Oxford and of Cambridge in England, and, as I think, it is altogether unsuited to the present state of that country. An hon. Gentleman who is, I believe, a Member of the Repeal Association—the Member for Cork (Mr. Roche)—objected to these Colleges, because all the professors were to be nominated by the Government. Now, if the people of Ireland were willing to agree to this plan, and if those who spoke the language of the people of Ireland agreed that there should be a foundation, or the professors of which should be so nominated, I think we might then adopt it. But we know that that is not the case. We know that great jealousy exists on the part of the Roman Catholics with respect to the use which might be made of these Colleges by a Protestant Government. I know hon. Gentlemen might say—"Surely the Roman Catholics may fairly trust the right hon. Baronet (Sir Robert Peel) who is now in power." But may not the Roman Catholics very justly reply—"True, so long as the right hon. Baronet remains in power, we may not apprehend any evil to arise from this power of nomination; but if, at any future time, the hon. Baronet the Member for the University of Oxford, or the hon. Member for Kent (Mr. Plumptre) should come into the right hon. Baronet's place, what then would be our security against an abuse of this power?" That is a feeling largely shared in by the Roman Catholics of Ireland; and while it exists it is impossible they should be satisfied with giving this power of nomination to the Government. Suppose the right hon. Baronet (Sir R. Peel) himself, instead of holding the opinion which he now holds, held the opinion which he entertained five years ago, I think the people of Ireland might be disposed very warrantably to cherish great distrust even of his views. I cannot see any great advantages to be derived from these Colleges as at present proposed to be instituted, either looking at the state of Ireland, or looking at the principles upon which they are to be founded. I say, that with regard to the state of Ireland, you ought to take advantage of the influence of the Roman Catholic clergy, and obtain it in your favour for the promotion of public instruction in that country; and I say, that with regard to the principle of the measure, you are bound, if it should become a matter of necessity, to give secular instruction even if you totally omit religious instruction from your plan. But if you have any means by which you can give religious instruction, and promote it amongst those who are to benefit from these Colleges—then I entreat you not to omit so great a portion of your plan out of your proposal. Now, what is there to prevent your agreeing to some kind of proposal which should be in accordance with the Roman Catholic clergy? The right hon. Gentleman (Sir James Graham) says he is willing to have halls attached to these Colleges. That may mean a great deal, or it may mean very little. I do not allude to where the funds are to come from, by which these halls are to be erected. Whether you get the stone and brick from the public funds, or whether the Roman Catholics raise money amongst themselves, to build the halls, I cannot consider it to be a very essential question; but what I consider is, whether you will acknowledge

as of any authority the heads or deans whom the Roman Catholic prelates may appoint to these proposed halls? Will you admit that they should impose within those halls certain regulations? Will you sanction any rule requiring regular attendance of Roman Catholic pupils at prayer, or at a place of public worship; and will you give your sanction to a regulation that the sentence for an habitual neglect of these orders and regulations should be expulsion from the College? If you will do this, and thereby give the Roman Catholic prelates authority in these institutions—if you will recognise them as a part of your plan, I think you would get over much of your difficulty, and many of the objections that now beset you. If you would provide for the appointment of your professors without saying that those appointed to anatomy, rhetoric, mathematics, geology, or other branches of learning, must be approved of by the Government, then, I believe, it would be practicable, if not to attain, at least to approach the attainment of your object. All that is requisite is, to get another mode of choosing your professors. But there remains another portion of your plan, in which I am induced to consider you have not approached to any degree of perfection. If you intend to give degrees to those who shall attend these Colleges, I am inclined to think that giving them by a separate power would not be so useful a plan as having the Colleges all united with the University of Dublin. But whether you confer degrees by means of the University of Dublin, or by a separate University unconnected with Trinity College, still I think, in either case, it ought to form a part of your plan. As the matter stands at present you have Trinity College in the hands of Protestants, with a University attached to it able to give degrees, and which will of course be distinguished by its superior ascendancy above these provincial Colleges, which will be considered subordinate and inferior to it, as a mere charity of the State towards those who ought to be placed on an equality with the Protestants. For these reasons, I consider the plan, as at present proposed, crude and incomplete. I see no reason why the Government should not (notwithstanding they, in the first instance, brought the measure forward without doing so) consult those distinguished Roman Catholics who, whatever may be their situation, must have great influence with their countrymen on a question of this nature. I speak more especially of such men as Archbishop Murray—a man no less distinguished for his moderation of opinion and his loyalty to the Throne, than he is by an unswerving fidelity to his own Church. I cannot see any degradation to the Government, or any want of wisdom, in asking such men what are the arrangements which they think would make this plan complete, and render the Parliamentary grant which you propose to make, useful towards the improvement of the middle classes of Ireland, and useful also in promoting the social progress and the future happiness of that country. If Her Majesty's Government will take that course—if, before going into Committee upon the Bill, they shall have made some communication which shall enable them to say that they have the assent generally of the Roman Catholic clergy of Ireland, and that they see their way to the success of this plan—I think, then, it may proceed forwards, and that we may look to a favourable termination of it. With regard to the Presbyterians of Ireland, as far as I understand, they are satisfied with the plan as it stands. With regard to them, it is proposed to continue the sums allotted by Parliament for the Presbyterian teachers of divinity. It appears to me that Her Majesty's Ministers have been alarmed by the outcry which has been raised against their plan respecting the endowment of Maynooth. Their plan with respect to Maynooth, whatever may have been the objections raised against it, was a good plan, and sufficient for its object. It went straight to its object. It was for the improvement of the education of the young men who will hereafter become candidates for the Roman Catholic priesthood. The right hon. Gentleman told us in detail how it would effect that; and if religious objections were not allowed to prevail, there was no doubt that the measure would be a good and efficient one. But, with respect to your present plan, you seem to have been afraid of your own wisdom, and frightened by the objections of those who have doubted whether you have pursued the right path. I own that the noble Lord the Member for Newark made some sound objections to this Bill; but I cannot agree with him in opposing the second reading, because, considering the object a good one, I do not despair that Her Majesty's Government will so

amend it as to make it a useful and beneficial measure. But I own I should consider it a very foolish disposition of the public money, if, after voting a sum of 100,000*l.* or thereabouts, to begin with, and then several thousands a year afterwards, we should at last be defeated in our object, and be obliged some years hence to admit this to have been an inconsiderate measure, and one which we repented to have passed. With these views, therefore, I shall vote for the second reading of the Bill, indulging some hopes that Her Majesty's Ministers, acting in accordance with their own principles, will amend and improve it.

Lord *Mahon* had given his most anxious consideration to the measures of Her Majesty's Government with respect to education in Ireland. To the first of these measures, the Bill for the endowment of Maynooth, he was glad that he had been able to afford in its different stages a conscientious support. On this second measure, with respect to Irish Colleges, he should also vote in favour of the second reading of the Bill; but he was bound frankly to declare that he should so vote only in the hope that the Bill would receive great amendment in Committee; and if such amendment were not made, it would be his duty—his unwelcome duty, but he would not shrink from it—to give his decided opposition to the third reading. He would point out plainly and concisely the nature of the Amendment which he thought desirable. What was the leading defect in the Bill? Could any one doubt that the defect was to be found in the utter want of security for religious instruction? He said want of security; for although it was true that the Bill did not repel but rather invited private benefactions for religious instruction, what security was there that ten or even fifty years would not elapse without any such provision being made? He should consider it an evil precedent for future legislation, if even for a single year they were to adopt the principle of dissociating secular from religious instruction. In the year 1839, when the Government of that day proposed a measure which in his opinion did not sufficiently recognise the association of religion with instruction, he moved the direct negative to the proposal; and so strong was then the feeling both in the House and in the country, that although the Government of the day prevailed, they prevailed only by a majority of two. He had since attentively reviewed the vote he then gave, and that review had confirmed the strength of his conviction as to the sentiments he then expressed. The right hon. Gentleman the Secretary of State for the Home Department had defended the present measure by an analogy to University College, London but on an examination that analogy could not be borne out, for University College was founded on the principle that after the day's instruction the pupils would return to their families, who would be ready and willing to give them religious instruction; but was that the case with the Colleges under this Bill? Did they found a College in Galway for the town of Galway, or for the inhabitants of Connaught? Did they found the College in Belfast only for the townsmen of Belfast, or for the inhabitants of Ulster? They must suppose that to these Colleges the large majority of the pupils would come from a considerable distance, and that they would not reside with their own families. He looked upon the principle of associating State instruction with religion as most important; and he did not understand that they were severed by this Bill because the importance of the connexion was not acknowledged, but because it was contended that the circumstances of Ireland at that moment presented an insuperable objection to its practical working. Could no remedy be found for this? Why should there not be professors of theology remunerated not by State endowment, but by lecture fees? Why should there not be professors of theology in each College connected with the Protestants, with the Roman Catholics, and with the Presbyterians, not appointed by the Crown, but receiving a lecture fee from each pupil attending them? If there were 100 pupils, each contributing two guineas and a half a year, it would be, though not ample, yet in the first instanee sufficient remuneration. Then with respect to the 14th Clause of this Bill; to that he had the strongest objection. Instead of forbidding absolutely and without qualification the attendance on religious instruction, he would make it compulsory on every pupil to attend some religious in struction; but he would leave it to each pupil, or to the parents, to make choice of the professor; and he would render a certificate of such attendance indispensable for any examination for a degree in the College. Sure he was that no system of education which did not provide for religious instruction would receive the confidence of the country, or, as he hoped, the sanction of that House. To the principle of a necessary connexion between religious in-

struction and secular knowledge he deliberately adhered; and if they gave instruction without religion, they would inform, but not ameliorate; they would refine the understanding, but would not correct the heart. He found the same feeling as strongly held by the Roman Catholic body. The Government wished to conciliate the people of Ireland: it was an honourable and a wise desire; but conciliation was not to be attained by disregarding alike the religious prepossessions of both parties; and they must beware, that as they sought this object, they did not find it recede the further from their view.

Mr. *A. B. Hope* said, that his hon. Friend had somewhat freely condemned the English Universities. In that censure he did not concur. He had always taken a strong view of the present measure. The speech of the right hon. Gentleman on Friday night had confirmed him to the utmost in his apprehensions that this measure, though innocent in appearance, was a measure most dangerous in principle, and such as to make all persons of Conservative principles feel it their duty to give it their firmest opposition. His noble Friend had suggested that this Bill might be amended in Committee; but it seemed to him (Mr. Hope) that the evils of this Bill, not merely adhering to it, but absolutely inherent in it, forming its very lifeblood, its body and soul, would not be removed by any Amendment. He always feared that the measure before the House might be extended as a successful application—as a kind of felicitous opportunity for the introduction to the fashionable circles of the Carlton Club, of those principles of liberal education which had hitherto been confined to the vulgar purlieus of Gower Street. The whole tone of the right hon. Baronet's speech confirmed those apprehensions to the utmost; there was little in it about the unhappy condition of Ireland, and the peculiar circumstances which rendered that country in many respects different from any other; but when he came to the precedents of University College, London, and the Scotch Universities, he became diffuse and eloquent. Not content with putting them on an equality with the Universities of England, he concluded with giving, indirectly indeed, but virtually, the preference to them, by referring to the state of discipline at Oxford thirty and forty years ago, when, as every one knew, things were very different from what they were now, coupled with an account of his own career there, given in a tone which, considering the dignified position the right hon. Gentleman occupied, he must confess, surprised him, as he believed it did other hon. Members. Could this mean nothing? He must confess that his opinion of the talent and energy of the right hon. Gentleman was too great to let it be supposed that he would be unpatriotic enough long to let it "waste its sweetness in the local air" of Scotland and Belfast, Gower Street and Galway, and permit our English seats of learning to be overridden by the incubus of a far different—far more artificial and cumbersome system of education. France, so lately become "the cynosure of neighbouring eyes," had freed herself from her old system of education; and the University of Paris, so often the terror of worldly-minded statesmen, had given place to L'Université de France, that matchless and ideal system of State-ridden education. Why should England be behind? Some persons, indeed, might kindly suppose that our Universities might be preserved as curious relics of antiquity—that, in one word, they might be preserved as a kind of perpetual fancy ball. The kind anticipations of these Gentlemen were too independent not to be distasteful, and had too much power not to be dangerous to those who were wedded to the opposite system. Old, indeed, they were, but their old age was strong and vigorous; or rather, they shared in the renewed youth of the phœnix. The recent foundation of the University of Durham on the ancient model, was a proof of their vitality—that the ancient system was still adapted to present wants. The time, he thought, was now come when the battle must be fought between those who honestly supported religious education, and those who advocated the system which prevailed in many other parts of Europe; and of which this Bill was a fearful instalment to the British Empire. The battle was now to be fought, whether there was to be in the Universities religion and discipline, and the power of self-government; or whether there was to be the negation of all these principles, as developed in the scheme which was now on the Table of the House. In whatever way the division of to-night might terminate, it would form an essential precedent, either on the one side or the other, for the defenders or impugners of the ancient system. The University College of Gower

Street, and the London University, had been referred to; and he would admit that in these institutions a great deal of valuable principle was thrown away; and that principles received the weight of State authority which never ought to have been countenanced. But who were the fosterers of that measure? The Whig Government. And what was the character of the present Government? Conservatism! And what were the motives which, during ten years of a long and arduous struggle, those who were now in power called upon their friends, at a great sacrifice, and much self-denial, to place them there? The principles of Conservatism—the preserving of all that remained of old high principle, and conducting the Government upon the remnants of the ancient system, not blindly—not as if the whole of the last eleven years had been a dream—the man would be insane who would for one instant broach such a theory—yet still the same principles were to be adopted. Principle, and the application of principle, were two different things, though they were often confounded; they did anticipate that the old principles would be adopted, and suited to modern exigencies. But how had these old principles been applied in the present instance? The Conservative Government of 1845 had adopted the entire measure of 1825, which those who found it convenient to have memories would recollect was strenuously and vigorously opposed by the Tories of that day—opposed in the most practical way, not by speeches and resolutions, but by the establishment of a counter institution—King's College—and which was patronised by a Government calling itself Tory; for in those days Tories were not ashamed of the name. It appeared, then, that the Conservative policy of 1845 was coincident with the Whig policy of 1825; and that the measure which was at that time strenuously opposed, was now quoted as a precedent with as much quietness and undoubting confidence, as if it had been supported as highly as it had been strenuously opposed. But the measure now before the House went a step further than the London University. That University was founded by Royal Charter, which certainly had an imposing sound; but it only meant the Resolution of the Cabinet of the day. The Conservative Government called upon them now to consummate and set their seal to principles which were first propounded by a Whig Government. As the noble Lord the Member for London, who was one of the first founders of the London University, had truly said, in a speech to which he (Mr. Hope) had listened with great pleasure, the promised ameliorations of the Government were very vague. They had spoken of the facilities of founding halls; in the first draft of the measure they spoke of establishing lodging houses; but they had not explained the difference between these two measures. As to the institution of theological instruction, they had heard nothing; while the plea of necessity in the present state of Ireland had been driven to the winds by the counter propositions which had sprung up in various quarters. Therefore, on the ground of stern necessity, nothing could be said in favour of the measure; while all who were for maintaining the principles of religious responsibility would strenuously oppose it. On these grounds, he should strenuously support the Motion of the noble Lord the Member for Newark; and he called upon all others to do the same who felt the religious responsibility of States. That doctrine, however it might be forgotten in practice—and much he feared it had been—was the foremost doctrine of the old Tory party—a principle which he had hoped would not so soon have been wasted, spent, driven to the winds by Conservatism—the spendthrift heir of thrifty Toryism. In the present confusion of parties, also, he trusted this measure would be supported by many right-thinking men who sat on the other side of the House, that is, locally speaking; and that they would thus put an end to this measure.

Mr. *Villiers Stuart* observed, that in Ireland the higher classes were receiving the best education, and the peasants also were provided with schools; the time would soon come when the middle classes would form an unfavourable contrast with both, by their inefficient education. The Bill at all events proved that attention was paid to the wants of Ireland, and that an endowment was not grudged by the House. For himself he should have thought that a system of mixed education could be arranged which might diminish religious asperities; but it would be folly to overlook the objections of the Roman Catholic prelates and clergy, and their opinions were entitled to the utmost consideration. Their present proposals were most unreasonable; for instance, claiming

to have the appointment of almost all the professors in a system of mixed education. One might almost think the memorial had been drawn up by some master spirit that wished to upset the plan; but it was to be hoped that it was not so, and that they would be met and conciliated by the Government, and a system established which would work properly. The hon. Baronet the Member for Oxford (Sir R. Inglis) had referred to the subject of national education in Ireland, and intimated that there was an attempt to convert; if so, it was certainly facilitated by the neglect, or rather the false policy, of the Protestant clergy and bishops. He knew of a clergyman in the county of Waterford who had to go for his health to the sea-side, where he found the clergyman absent, and indeed not in the habit of attending the school, as he differed from the national system; the consequence was that Protestant children were left neglected there, while the Roman Catholic children were examined, and there was opportunity enough for attempting conversions if that were the object. The clergyman from Waterford, Mr. Mackesy, thought it his duty to attend the school while he remained there. But, as soon as Dr. Daly was appointed bishop, this gentleman, on an opportunity presenting itself, was called in front of the clergy, and received a most severe censure. Mr. Mackesy's words were—

"I was told by my bishop that no Protestant clergyman could, consistently with his duty, visit a national school, even for the purpose of seeing the rules fairly carried out; and, in reference to the national school I had established, he would be better pleased if I had no school at all."

Were this gentleman's prospects to be ruined for life, for executing his duty? The Government ought to see that he did not suffer for it.

Mr. *George A. Hamilton* said, that, considering the importance and peculiar character of the measure before the House, he did not feel—although he had much difficulty in coming to a decision—that he should be justified, or that it would be a straightforward course, to abstain from voting; and he should certainly have been sorry to give a silent vote on such an occasion. He had always thought, and always maintained, and must always maintain—speaking of education generally—that no things deserves the name of education which is not founded upon religion, and in which secular instruction is not combined with instruction in the great truths of Christianity. The object of education, he had always considered, was to educate man as an immortal being—to instil into his mind those truths of revelation which are designed, and which alone can have the effect of really elevating his mind and character—of really raising him in the scale of moral and religious beings; and which further, as he (Mr. Hamilton) felt assured, can alone have the effect of teaching him and enabling him to fulfil properly the duties which, as a social being, he owes to that society of which he is a member. These being his opinions, it was impossible he could give his full assent, or unqualified approval, or cordial support, to any measure in reference to education which appeared to be defective in so important a particular; at the same time it was his strong opinion, and he could not disguise it, that there was a great want of a practical secular education among the classes in Ireland for whom, as he considered, the measure before the House was intended, and who, as he thought, would be likely to avail themselves of it. He had been long of opinion that there had been an omission in the manner in which education had been dealt with in Ireland. Education, he thought, had a much greater tendency to descend than to ascend—he meant to descend from the middling classes to the lower classes, rather than to ascend from the lowest to the middling classes. Great pains had been taken, for many years past, to educate the very lowest classes in Ireland; and without in the least underestimating the value of those efforts, he could not help saying that he thought in some respects their education had been forced—he meant that the struggles that had being going on in Ireland with regard to education—while they had impelled, and, perhaps, accelerated, the progress of education among the children of the lowest classes, had prevented, in some degree, the people of Ireland from taking a fair and dispassionate view of the intrinsic value of education, or of considering what education really is, and of estimating it sufficiently for its own sake; and while this system—he did not like to call it of forcing education—but while this competition with regard to education among the lowest classes was going on, the education of the class immediately above them—the children of shopkeepers, and tradesmen, and farmers, and, perhaps, small landed proprietors—had, he thought, been greatly neglected. They had, therefore, in his opinion, in this respect, as in many others, began in Ireland

at the wrong end. The class above the lower class—the middling classes in Ireland—would, he thought, have been much more likely to take a sound view of the real nature and character of education, and to value it for its own sake, than the lowest class; and if they had been furnished with the means of education, and had become educated in the proper sense of the word, he thought the education of the lower classes would have followed more naturally and more beneficially. And the result of the state of things which he had described was this—that from the want of institutions for the practical instruction of the middling classes, there was either an overweening desire for a university education—a desire to send their sons to Trinity College, on the part of many for whom, perhaps, a university education was not altogether suitable — who, perhaps, were raised somewhat above their proper position in society by that species of education—or else there was a great deficiency of education, as compared with the education of the lowest classes. During the whole progress of the Commission, of which he had been a member, throughout Ireland, last year—and the Commissioners had visited every part of the country—he had made it a point to inquire whenever a witness of the class to which he alluded came before them, what was the condition of the children of that class, with regard to education; and he had no hesitation in stating, that in nearly every part of Ireland there was a complaint of the want of academical institutions for the instruction of that class. He, therefore, thought that hon. Members were under a mistake in viewing this question, or arguing upon it, as if it was a general question of university education. He did not believe there was a want of university education in Ireland; but he did think there was a great want of good academical institutions for the practical instruction of the middling classes. This being the case, he did not feel that he should be justified, except upon very strong grounds, in offering any opposition, at least in its present stage, to a measure brought forward on the responsibility of Government for remedying an acknowledged defect in the social condition of the people of Ireland. It was true the measure was short, far short, of what, according to his views, it ought to be. A mere system of secular instruction was to be given to classes of day boys in the Colleges; but then, in connexion with the Colleges, facilities and encouragement were to be afforded for religious instruction, to be conveyed through the instrumentality of private endowments; and if parties would come forward, as he hoped they would, and supply the means of affording religious instruction to the students, considering the peculiar circumstances of Ireland, and the great difficulties with which the question of education was surrounded, he thought the objection to the system, on the ground of there being no religious instruction, would in a great degree be removed, and probably in the best way. The mode by which the noble Lord the Member for Newark proposed to get rid of this objection—although it was perfectly consistent on the part of the noble Lord who had voted for the endowment of Maynooth to propose it, namely, by the endowment of theological professors of the Roman Catholic religion—appeared to him (Mr. Hamilton) to be liable to the same objection, in principle, as the Maynooth Bill, and would, in fact, raise the Maynooth question again in the House. He thought, further, that, looking at the question practically, there was a material difference between a system designed for the entire education of the lowest classes, and a system of partial instruction in certain branches of education designed for other classes in society. In providing education for the children of the lowest classes, whose parents you suppose to be ignorant, and who have no opportunity of instruction at home, you are bound to provide a complete education: the school education of these children will be in point of fact the whole of their education; and this being the case, their education in religion becomes a paramount consideration in their school education. But the case of the education of youth in other classes of society is somewhat different; and it cannot be denied that, practically, the case is differently dealt with in most of our public educational institutions. He supposed that, practically, the young men in these Colleges would either live at home, or else would be placed by their parents in the houses of persons in whom they had confidence, and who, no doubt, would be expected and required to attend to their religious education, and to see that they attended the lectures of the theological professors. Upon the whole, therefore, he did not see that there was so much danger as the noble Lord supposed, that the system practically would be one devoid of religion. He was sorry the right hon. Baronet (the Secretary for the Home Department) had spoken of this measure as an extension of

the national system of education; for he was bound to say that the system appeared to him to be free from the objectionable principle which the national system contained. The principle involved in the national system, and to which he objected, was this, that a power was assumed by a human authority, a Board of Commissioners, or a Government, which, in his opinion, no human authority has a right to assume, or exercise, of pronouncing and determining that there are times and circumstances under which free access to God's revealed Word shall be denied to any portion of God's responsible creatures. That was the principle which offended the consciences of Protestants in reference to the national system of education; and the objection, he thought, did not apply to a system which was, in fact, the establishment of lectures on secular subjects for the benefit of students who might domicile themselves in certain large towns. He was sorry, also, that his hon. Friend (the Member for Waterford county) had thought it necessary to introduce into the debate, in reference to the national system of education, the name of a much-respected Prelate. He was sure his hon. Friend would be the last person to misrepresent, or even to speak harshly of an absent individual; but he thought there must have been some misunderstanding in the statement the hon. Member had made. If it should so turn out, he was sure the hon. Member would be the first to acknowledge it. Upon the whole, then, though he could not give his unqualified support to the measure, he was happy to be enabled to assent to the second reading of the Bill, as designed to supply an acknowledged want of secular education, which he thought existed among a particular class, and which was in that respect calculated to ameliorate the condition of Ireland.

Mr. *Bernal Osborne* said, he should have another opportunity of bringing the whole conduct of the Bishop of Cashel before the House, when he would go fully into the nature of his charge. He would not, therefore, detain the House by any observations on the subject at present. With regard to the question before the House, he begged to say that he should not support the Amendment of the noble Lord. It was a difficult task for the Government to deal with the subject of Irish education. In the present instance they were "damned with faint praise" by their own friends, and met by opposition from parties who ought to have given them support. The noble Lord who had moved the Amendment was, he believed, the only English Member who signed a memorial to the Primate of Ireland testifying his abhorrence of the national system of education. The principle of this Bill was identical with that system, the only difference being that it was carried out with higher objects. The hon Member for Cork (Mr. O'Connell), who now opposed this Bill, expressed very different opinions in 1839, in advocating the national system of education. The hon. Baronet opposite (Sir R. Inglis) had denounced the measure before the House, because it did not provide for religious education. Why, he would call the hon. Baronet's attention to the fact, that in the University of Oxford laymen were not obliged to attend theological lectures; on the contrary, the heads of that University had set their faces against it. It was true there was a forced attendance at chapel, and he had himself been obliged to go there fourteen times in one week. He objected to the clauses of the Bill which gave the Government the appointment of the professors; and he also objected to the manner of appointing the proposed visitors. He thought the professors ought not to be subjected to the imputation of being Government hacks. He was sorry the Government had not instituted an inquiry into Trinity College; the mere fact of Roman Catholics attending that College, formed a basis for legislation. The hon. Baronet opposite (Sir R. Inglis) had spoken of the Irish measures which had lately been brought forward by the Government as a gigantic scheme of godless education; he might retort by saying that Trinity College was a solemn specimen of sordid monopoly and exclusiveness. He should give his support to the Bill in its present stage, hoping to see it modified hereafter.

Mr. *Gladstone* said, he agreed with the noble Lord who had that evening addressed the House, that this was an imperfect measure; but the cause of its imperfection was to be found in the present state of Ireland. Divided as Ireland was, not only by social and political, but by religious questions, it was impossible to devise any scheme of education which could at all approximate to ideal perfection. Therefore, the question was not the abstract question of perfection; but whether the measure proposed was the best, upon the whole, to meet the present state of that country and its exigencies. At the same time he must say, that he

was not prepared to join in forcing any measure, even were it a much more perfect measure than this, upon the people of Ireland; but, if unsuitable to the state of the country, it would be monstrous for a majority of that House to attempt to render, under the name of a boon, that which, under other circumstances, would be no boon, but a mockery and an injustice. The noble Lord had adverted to the subject of consulting Archbishop Murray. He did not recollect to have heard that there had not been any consultation with that prelate; he believed it was possible that there might have been some communication with him on the subject. Whether that were so or not, and whether, in the present state of our relations with the Catholic Church of Ireland, it might be deemed wise by others that such consultations should take place before the introduction of such measures as that before the House, he agreed with the noble Lord, and he was sure that such would be the general sentiment of the House, that it should be conceded to the Roman Catholic community of Ireland that those whom they might choose as their heads should be consulted, both as to the adjustment of the details of such a measure as that before the House, and also upon determining whether it should pass into a law. With regard to a consultation with the Roman Catholic prelates, he would express an opinion beyond that which had been given by the noble Lord. In the course of the debates upon religious education in Ireland, his noble Friend (Lord John Manners) had adverted to the fact, that it was desirable that diplomatic relations between this country and the See of Rome should be established. He strongly concurred in that opinion. The original prohibition of such relations was not on religious, but on political grounds of a very intelligible nature, namely, that at the period of the Reformation, religious and civil affairs were so inextricably mixed up, that the Pope was for a considerable time the open enemy of this country, and ready to invade its shores, not by his own forces, but by the forces of those whom he could put in motion. If he were to look for proofs and reasons in support of his opinion, it was enough to advert to diplomatic relations which had been established—to the fact that substantial relations existed at this moment between this country and Rome, although they had not been avowed—which had been established in consequence of the absolute necessity which successive Governments had been unable to resist, although they did not think fit to avow it. It was said, with some justice, that there ought to be a communication, if they were about to provide education for the multitude of the Roman Catholic people in Ireland, with those who represented them in these matters. If that course ought to be adopted, it appeared to him desirable that there should be the means of attesting those communications by reference to the See of Rome. Archbishop Murray might give his sanction; but his authority and that of the other Roman Catholic prelates of Ireland, was not supreme: it was liable to be overruled by orders from the Court of Rome; and it might, therefore, be desirable to prevent, if possible, the rejection by the Pope of measures with reference to which it might be thought necessary to hold communications with the Roman Catholic prelates. He would allude for a moment to an observation which had been made by his right hon. Friend (Sir J. Graham) on the subject of the University of Oxford. He thought his right hon. Friend's information was rather antiquated with reference to a measure proposed in 1845. He hoped they were in a position to have more recent intelligence from Oxford than that of 1810. He might be open to the reproach of giving stale intelligence, for he had left that University fourteen or fifteen years ago. The state of things then as to religious instruction, in contradistinction to religious discipline, he did not think to have been very unsatisfactory. From the moment they became undergraduates, they were required to attend lectures by their tutors in divinity. Only a small part of the system of religious education was carried on by the College officers; the greater portion of it was conducted in the private rooms of the tutors, in lectures to their students. That system continued until they were required to attend the College lectures during the last year of their being under-graduates. They were finally examined in the Thirty-nine Articles, in the Four Gospels, and the Acts of the Apostles, and in the external and internal evidences of religion; and many of the great philosophical subjects which connect themselves with such evidences, were pursued to a great extent by many persons at Oxford. He did not think that an insufficient stock of reli-

gious knowledge, to be acquired by persons who were not candidates for orders, but persons who might become Members of that House—country gentlemen, lawyers, and who might occupy other positions in ordinary life. With regard to the institution of daily worship in the Universities, whatever might be said of it now, he was sure that ten or fifteen years hence it would not be spoken of in terms of reprobation. It was now generally recommended and appreciated, upon the ground of its being a just and becoming practice in a great Christian institution. It was a worthy homage in such an institution from the students to the great Being from whom they derived every blessing. Further, he begged to remind the House that before the students at Oxford graduated they were carefully examined in those books which formed a part of their reading while they were at the University. Reference having been made to the London University, he would say of that institution that it was entirely negative as to religion. The hon. Member for Pontefract had stated that it was probable some mode of examination in religion would be adopted in the London University; and the hon. Member had been so good as to place in his hand a book showing that a proposition was before the University, that the students should be required to read one book of the Pentateuch in the original Hebrew, and one book of the Gospels in Greek. This was Dr. Arnold's plan, who, in that liberal spirit which influenced his life, and gave so much interest to his biography, with the strong wish that he entertained to prevent the erection of barriers of division amongst those who called themselves Christians, made the same proposition. This plan did not admit Jews, and, therefore, it was rejected at the London University. It, however, must be said with respect to it, that it never professed to supply a complete system of religious education; but rather to supply a defect in the critical and literary knowledge of the students. The University of London, he repeated, was of a negative character as far as religion was concerned; and it was to be remembered, that it was an institution that was brought under the attention of the House of Commons every year; and, therefore, the present measure, introduced by Her Majesty's Ministers, went still further, as far as being a permanent money Vote was concerned. He might be told that the measure was fit for Ireland, though it would be unsuited to England; and, he confessed, that he regarded the validity of that argument, so far as to admit that he considered the measure to be more fitted for Ireland than for this country, because in consequence of the great difference of religious opinions in that country, the Government could not have gone so far in establishing a mixed religious system as they might if legislating for England; but the point on which he relied still more, because he regarded it as more dangerous, if the system were to be applied to this country, was, that in England, religious discipline was lax and weak in comparison with Ireland, where the mass of the population were Roman Catholics, and, as such, were necessarily subjected to a considerable degree of religious instruction. On that ground, he was comparatively favourable to the extension of the present measure to Ireland. He also felt that this proposal of the Government with regard to the religious discipline of the students, and the other point which he had before mentioned, was not very different; at least it worked out in a fair spirit in the system adopted in many of the existing Universities at the time of their original foundation, and for a considerable period afterwards. They were too apt to judge of this subject by their English notions, and the ideas of their own University experience. These were identified with the collegiate system; but they ought to look back to the time when the collegiate system was not in existence at all. What means were then taken for the religious instruction of the students? It then happened, as would be the case now in Ireland, that the religious education of pupils was derived from their connexion with the Church, and not from the University. It was not necessary, at the earlier stages of their University career, to attend at any theological lecture, or at daily worship, because, as there were no colleges, neither had they any collegiate chapels. Under that early system, therefore, the religious discipline under which every member of the University was placed, existed out of the University itself; but afterwards, when the rude outline was filled up by the establishment of collegiate institutions, the best measures were adopted for providing for the religious education of the students. In the Universities of Oxford, of Cambridge, and of

Paris, and in other foreign universities, the students comprised a great number of young men sent up from all parts of the country, and these lodged in the town, and attended the courses of lectures given at the University. It was true there were inns, or halls, or hostels, as they were in some cases called, established in the process of time in the university towns, and in these young men were received; but these establishments were originally merely boarding houses, and did not approach the character of colleges, which they afterwards assumed at Oxford. Now, his right hon. Friend (Sir James Graham), as he understood from his speech on Friday night, in point of fact, proposed giving facilities for founding these inns, or halls, in connexion with the new Colleges; and, therefore, the system now brought forward by Her Majesty's Government did not differ very far from that which existed in very early times, and in the first stages of the University of Oxford. But he hoped he would not be misunderstood. He was very well aware of the objections urged against the power proposed to be retained by the Government, of appointing and removing professors. He did not, however, for the present, go at all into that question, as he confined his remarks to the two questions of the provision for giving direct theological instruction to the young men educated in these Colleges, and of providing for their personal discipline and attention to morals. He wished, in the next place, briefly to allude to the plans proposed to be substituted by his hon. Friend the Member for the University of Oxford, and by his noble Friend the Member for Newark. There were only four forms in which academical institutions could be established. The first of these to which he would refer, was that proposed by his hon. Friend the Member for the University of Oxford, namely, the establishment of academical institutions, with provision for religious education according to the tenets of the Established Church. His hon. Friend was attacked for proposing such a plan, on the ground that he would allow of no religious education except such as accorded with his own peculiar views. But it should be recollected that the religion of the State had a recognition and a standard in the law, and in the constitution of the Church; and he thought, therefore, that his hon. Friend was safe from the reproach of merely putting forth his own religious views in propounding the plan for which he had contended. Such a Bill would not, however, satisfy his noble Friend the Member for Newark (Lord John Manners). He should observe that he was not now stating what he thought would be the best and most desirable system of academical education, but merely what he considered the best system to be adopted under the peculiar circumstances with which they had to deal. The House might, it is true, state that they deemed it essential to unite religious instruction with the whole course of education in the case of every individual student, and that they would only pass a measure founded on that principle. That was the course advocated by his noble Friend. But what would be the result of the adoption of that view? They would have to consider how they were to apply such a principle to the state of things in Ireland. They should establish institutions for more than one religion, or else they would have to extract from all the religions existing in the country the points of doctrine that were common to the entire, and adopt them for their collegiate course. That was a dream indulged in by many good men, such as the late Dr. Arnold, who wished to establish such a system in the University of London. But the plan totally failed, and he should say that if the Government adopted any such course they would fail, and deservedly fail; for any attempt to frame and cut a new religion out of the immutable Christian faith, on a principle in which some men would be allowed to believe as little as they liked, would be most fatal both in its moral sense and in its relation to the moral character of the country. In dismissing this second plan he could not avoid saying that he thought his noble Friend the Member for Newark was more than necessarily severe in his comments on the course taken by the Government. He could not see anything so very insurmountable in the objection on which his noble Friend principally relied. He alluded to the question of personal instruction of the pupils. The objection of his noble Friend would be removed by a provision by the State for the payment of a Roman Catholic chaplain for each College; but when facilities were given for the founding of such chaplaincies by voluntary contributions, he did not think that any great difficulty could be said to exist in the way of a satisfactory arrangement as to this point. He should also beg

to make an emphatic protest against the allegation put forth by his hon. Friend the Member for the University of Oxford, that the plan introduced by the Government was to be regarded as a "gigantic scheme of godless education." It was not fair of the hon. Baronet so to characterize the Bill; for though he was quite ready to admit that it did not contemplate the establishment of divinity professors or of theological lectures, yet it did recognize the great features of a religious instruction, for one of its clauses went to the direct end of providing rooms wherein divinity lectures might be delivered; and although he was quite ready to grant that the establishment of such a place for lectures was not to be regarded in the same light as the establishment of a divinity professorship, still it totally deprived the hon. Baronet of any just plea for applying the language he had used to the measure. His hon. Friend had likewise asserted that the measure would positively debar those who profited by the secular education which it was calculated to establish in Ireland, from obtaining any religious instruction whatever. Now, with respect to that objection, all he would say was, that if it were proposed to apply such a system of education to the case of paupers, who were wholly dependent upon the State for every species of instruction that they might require, then he should say that the proposed system was a decided evil; but the persons who were to derive the benefits of education under the present measure, had it in their power to resort to other sources for their religious instruction, which paupers at the entire disposition of the State could not have access to. And he would not only say that, but he would also assert that no person could be looked upon to have been properly trained or educated unless religious instruction formed a very distinct and marked branch of his education. But it was quite another question to say that a measure for promoting secular education was to be condemned and rejected because a person who, when called upon, was found ready to contribute to that purpose, refused to contribute to the religious instruction of those who were to benefit by it. There were other points of view in which the measure must be regarded. The noble Lord the Member for Newark had asked why the Government had refused to establish a Roman Catholic system of collegiate education for the laity in Ireland. If that plan were to be adopted, it followed, as a matter of necessity, that a Presbyterian system of education, and also in all probability an Arian system of education, must likewise be established. The Parliament was bound to consider the whole case, and not to look at one part only of it; and, viewing the matter in all its extent, he must say, that if the State acknowledged the necessity of adopting the scheme of a Roman Catholic collegiate establishment for Ireland it must look the question in the face, and avow the fairness and necessity of establishing an Arian, a Presbyterian, and a Trinitarian collegiate education, besides, possibly, many other religious denominations. He must say the adoption of such a plan would give a greater shock to the religious feelings of the people of England than any proposal which the Government had submitted to the consideration of the House; and, therefore, he had no hesitation in declaring it to be his opinion, that both in point of principle and in point of expediency, the plan proposed by the noble Lord the Member for Newark was far inferior to that of the Government. He thought also that the Government and the House would stand in a very strange position towards the people of England, if, with the pledges which had been given during the progress of the Maynooth Bill, the House were to consent to convert the present measure into one involving all the difficulties which the former Bill had avoided: and not only would they lay themselves open to the charge of being inconsistent, but they would also be obnoxious to the graver accusation of having deluded the people of England. He did not mean to say that these were any permanent or chief grounds of objection to the plan which he had adverted to; but under the circumstances they were not to be overlooked. With respect to the difficulties that had been urged on the part of the Roman Catholic body as to the appointment of the professors to certain chairs of philosophy in the Colleges to be established; he must say, that these were matters well worthy of consideration at a future stage of the Bill. He saw no difficulties in a scriptural point of view; but there were certainly chairs to be filled, which would require grave and deep consideration in making the appointments, more especially those relating to moral philosophy and metaphysics, which were treated by Roman Catholics in a very

different form and spirit from that in which they were regarded in other creeds. But with respect to these difficulties, the question he had asked himself was, "are they insuperable—can they not be got rid of by means of a sincere, a friendly, a candid examination of them?" He did not mean to say that they did not exist, but he did think they might be got rid of, and on the grounds he had stated. He should, making a choice of difficulties, vote in favour of the Bill.

Mr. *Wyse* said, that having troubled the House, when the Bill was first introduced, with remarks to some extent on the subject to which it referred, he would not again have trespassed on their indulgence, had not a demonstration of public feeling, to a certain degree adverse, since taken place in its regard. Two questions arose: first, as to whether there were not defects in the present measure; and, secondly, as to whether these defects were of that radical kind which would interfere with its principle, or its efficient working. With respect, then, to academical education, strictly so termed, the first question which necessarily attracted the attention of the inquirer would now be, whether the measure proposed really offered a proper and consistent system for its establishment and support? They should consider whether it was not, as he had on a former evening stated it to be, defective in not providing a preliminary course of education sufficiently extensive and general between it and elementary education; and, secondly, in not carrying it still further, until it reached university education, either by opening the University of Dublin, or by constituting these Colleges into a separate university of themselves. He regretted the Government had not announced in definite terms how far they intended to make the present measure a part of the great plan suggested by the Report of the Committee of that House in 1835. These, it would be perceived, were defects, arising not from too much, but too little: he complained not of its principle, far from it. The objections which had been urged against it had not altered one iota of his conviction of the great national advantages resulting from a mixed system of public education. But in saying this, he did not preclude himself from the right of objecting to any of the details of the mode in which the principle was proposed to be carried out. The admission of the necessity for academical education in Ireland by that House was, he thought, a great step in the onward march of educational reform. It recognized the necessity of paying attention, not only to the wants of the lower, but of the middle classes in regard to the subject of all intellectual and moral improvement. He did not agree with those who pronounced the plan to be "a gigantic scheme of godless education." Had he conceived it to be a system which would tend to irreligion, to the demoralization, direct or indirect, of Ireland, or of any persuasion or class in Ireland, he, for one, would at once have repudiated it. He differed from those who alleged that the Bill excluded religious instruction. The same assertion had been made with as much boldness, but upon as slight grounds, with respect to the national system of education. The Government had not excluded, on the contrary they had permitted, nay more, they had invited (by allowing the College rooms and College hours to be applied to the purpose), the communication of religious instruction in these Colleges. Nor was this all: they were willing to make this permanent, for they guaranteed the secure enjoyment of any endowment for such end, to the party or body by whom, or for whose benefit, it was intended or made. He was not quite so satisfied as to the grounds or statements on which this course rested. The Government objected to the establishment of chairs of theology upon the ground that it would not be consistent with their duty as the Government of a country containing different religious communities, to establish a professor for the purpose of giving instruction in a religion different from that which the State was supposed to profess. That argument, was, however, as he had said, by no means satisfactory to his mind. He found, in the conduct of the State, frequent exceptions to this presumed general rule at which he had hinted. He found exceptions to it in her Colonial policy—in the appointment of Catholic chaplains to regiments containing soldiers of that faith. There was a pointed exception to it in the Maynooth Bill, which had but a few days ago received the sanction of the House. In all these instances the general rule was widely departed from. He would not therefore, object to the establishment of theological chairs upon the ground which he had stated. He would rather argue the point upon the difficulty of placing two or three

professors of as many opposing religious systems in the same institution, and the possibility of giving rise to a series of controversies, injurious both to Christian peace and to the general tranquillity of the establishment. Still, however, he by no means admitted the probability of such occurrence. He hoped better things from the increased knowledge, wiser spirit, and kindlier temper of the present day. At the same time, he thought it right to draw a distinction between a chair of theology, properly so called, and that of religion. A professorship of the former was not suitable to the ends which the projected Colleges had in view. Theology was cultivated by Catholic and Protestant; but it was not merely religion, but the science of religion, special to, and peculiarly intended for the ecclesiastical professions connected with these different systems. But the study of religion, theoretic and practical, systematic and historic, was a study which ought never to be neglected by any one who wished to arrive at a true knowledge of the history of the progress of man. Such a chair, he thought, ought to exist, no matter whether endowed by the State or individuals. And he was not alone in this opinion. It was that even of M. Cousin, who had been so liberally, or rather so illiberally abused; and it was practically acted upon in the communal and royal schools of France. In the Prussian Gymnasia, too, twelve hours per week were allotted for instruction in religion and religious history. He thought it might be worthy of consideration whether such a chair should not be established by private efforts at once. He should prefer that course to Government endowment and Government control; and, for one, would be willing to contribute for such a purpose, stipulating, however, that the nomination of the professor should be in the hands of the bishop of the diocese. Another proposition upon this subject was, that the pupils attending such a class should pay for religious instruction in the form of fees. To this he entertained no objection; it did not call in the Government—it left the matter open to the particular creed and private contributions of each individual. With reference to the question of residence within the College walls, they ought to bear in mind the principal objects for which the institutions were to be founded. They were intended for the education not only of the higher, but of the middle classes, and not only in elegant literature and theoretic science, but in those great industrial branches of study calculated to prove of most service in the practical business of life. In order to carry out this object in the most efficient manner, they ought to be enabled to receive the greatest possible number of students at the cheapest possible rate. And this result, he believed, would be best secured by external residence. Various plans presented themselves for this purpose. They might live with their relatives, or guardians, or in houses, in the towns in which the Colleges were situated, which should be licensed for the purpose, and placed, to a certain extent, under College control; or chambers or halls might be built for their accommodation, placed also under the control of the College, and to which chaplains, might be allocated, to be appointed by the respective bishops, or other religious authority of the place, according to the constitution of the hall. Of these plans he gave a decided preference to the latter. There was hardly a foreign university to which such chambers, under the name of "Hospitia" or "Convictoria," were not attached. He thought, then, it would be worthy of consideration, whether a small additional grant might not be set apart for the construction of such chambers. Passing to another point of the subject, namely, the appointment of the professors, and what should be the condition of such appointment as to religious opinions, &c., he fully admitted the great importance, in every sense, of this question. The chair of religion, it was already admitted, ought to be exclusively in the appointment of the spiritual heads of the religion to which it belonged. This arose out of the very nature of such a chair; and any other course would be an absurdity, and something worse—a crime. But there were other chairs, which also, by their nature, participated in the character of the chair of religion. Moral philosophy, for instance, or ethics, was necessarily connected with religion. It formed an essential part of it in every persuasion; and of course was, more or less, affected by the peculiar creed of each. In like manner, metaphysics lay at the bottom of moral philosophy; whilst the philosophy of history was the exemplification in action of all three. It was quite natural, therefore, that if it were indispensable to admit in the first instance separate chairs of religion, lest

any offence should be given to consciences, it would not be less so, on the same ground, to admit separate chairs of metaphysics, moral philosophy, and the philosophy of history, or rather one separate chair for all three combined. Here, however, he would stop; for the exclusive appointment for Catholics of Catholic professors of anatomy, geology, &c., called for by the Catholic bishops, rested on very different grounds. They had no necessary connexion with religion, and such control was demanded from the apprehension only that they might interfere. If so, they might be dismissed by the governing body. The point, then, was, to attain such a governing body as could and would dismiss them, if circumstances required. For the obtaining such, no one would go farther than he would. He thought, upon this point alone depended the whole character, for good or evil, of the proposed system. He thought, this point once secured, would go farther to protect against the evils apprehended, than all the minute classifications in the world, whether of admissions or exclusions in respect of faith. Whatever line of this nature were drawn, he much feared it would err on one side or the other: it would take in too little or too much. If it were essential for the purity of Catholic faith and morals, that the professors of geology and anatomy should be Catholic; why should it not be equally necessary that those of chemistry and astronomy should also be Catholic? and if these were granted, where were they to stop? Similar demands might be made in reference to other, if not all of the chairs. As to the appointment of professors being exclusively placed in the hands of Government for the future, as at present, he could not consent to it. He thought that if they desired to have professors of eminence, a great portion of their usefulness, they must remember, and of their eminence, would depend upon their public character, which again would depend upon their independence being placed even beyond the shadow of a suspicion. He did not say that the Government would make a bad selection in the exercise of this power; but under a system by which this power was conferred upon the Government, the professors chosen would often, without cause, be liable to mistrust. Were the contrary course to be pursued, were it known that men could obtain professorships by their own exertions, they not only would obviate these objections, and secure competent professors, but would speedily raise up, independently of any recurrence through Parliamentary or other influence to the existing Government, a class of students aiming at that high position—a class the creation of which could not fail of being of the greatest literary and scientific benefit to the community at large. He could not consent, therefore, to the appointment of professors, exclusively and permanently, by the Crown; nor did he find that that principle had been acted upon, without great qualifications, in the ancient or modern colleges of England or Scotland; nor did it prevail unconditionally either in France or in Prussia. With regard to the proposition for the formation of a board for each province—formed, among others, *ex officio*, of the bishops of the diocese—he was not prepared to pronounce any decided opinion as to how it would work; but he should fear that if it necessarily must embrace all, and it be *ex officio*, the machine would not only be a difficult one to set in action, but would not be worked, for a continuance, either with advantage to the ecclesiastical body, to the laity, or the institutions themselves. He had now stated his approval of the principle of the measure—his approval of the intentions of Government—and also, he trusted fairly, the objections which he entertained to the mode in which both were in some particulars carried out in the provisions of the Bill. With reference to the opening of the University of Dublin, and, with proper reservations, of Trinity College, he would do all he could for the attainment of that great end. The Irish, Catholic, and Dissenter, could not be said to be in the full enjoyment of educational freedom, or of general political and religious equality, until some such measure should have been adopted. He wished for nothing exclusive. He did not wish either for an exclusive Catholic, or for an exclusive Presbyterian, and why then for an exclusive Protestant University? At the same time he should not be justified in refusing to accept of the Colleges, because no University was offered to them at the present moment, more than he would have been, some years ago, in refusing to accept a scheme of elementary education, because the Colleges were still withheld. Still less should he be discharging his duty to his country—a duty earlier and higher than any duty to party

—by declining the gift, from dislike or apprehension of the givers from whom it came. Whatever was offered in a wholesome spirit for the education of the people, would receive his cordial support, whoever might chance to be its promoters, from whatever side of the House it might proceed.

Mr. *Acland* said, he had pledged himself on a former occasion to give his best attention to the measure of the Government, and to apply himself more particularly to the means by which it intended to carry out its objects. He felt, in some respects, supported in the view which he was on the whole disposed to take, by the circumstance that no speaker in favour of the measure upon his side of the House, had given anything like an unqualified approbation of it. Much in the manner of the last speaker, they left the Bill, like the horse's tail in the story, when every hair had been plucked out separately until the stump alone was left. The right hon. Gentleman the Member for Waterford (Mr. Wyse) had found fault with the patronage being invested alone in the Government, as well as with the power of removal of the professors, which the Bill conferred upon Her Majesty's Government. There had been a reiteration of the assurance that this measure was founded upon a sound principle; and it was upon that very assurance he confessed that his vote would depend that night. He had been disposed to give credit to that assurance, in the first instance, because the measure had been brought forward by a Conservative Government. Although persons in power might assure their supporters that a measure which was looked on with suspicion by many was founded upon sound principles, it still became hon. Members, who were neither in place, nor looking up to it, to examine such a measure scrupulously. In adopting a recommendation of the Committee upon the subject of education, which had reported in the year 1826 that any system of education which could be applicable to Ireland must be that from which all suspicion should be banished, it appeared to him that the right hon. Baronet had adopted it in a different sense from that which it bore. He (Mr. Acland) was convinced that it would be absurd to attempt any general system of education in Ireland, unless it was concurred in by the Roman Catholic clergy of Ireland; but, so far from that being the case, this Bill had met with an united and unanimous protest from the Roman Catholic bishops; and when he saw t the foot of that protest, the name of Archbishop Murray, he felt at once that it could not be regarded as a document emanating from political agitators. The right hon. Member for Waterford had taken an active part in the Central Education Society, and had obtained a Committee in that House to inquire into the subject of education. Among the witnesses produced before that Committee, was Mr. Simpson, who declared, that he would not inquire even whether a teacher of an elementary school was of any or no religion—that he would dismiss him for meddling any way in the matter. Evidence to the same extent was given by other members of that society; and these opinions seemed to be adopted in the Government Bill, in which there was taken a power of removal—if the teachers infused any of their own faith into their teaching—a power which was to be exercised by the Home Office. He was not convinced that this Bill, nurtured in the Offices of the Government, and introduced without communication with the bishops of the United Church of England and Ireland, or consultation with the heads of those who had the confidence of the great body of the Irish people, would succeed, and he should therefore vote against the second reading. With respect to the question of mixed and separate education, he did not think that the question turned so much upon those who were to receive that education, as upon those who were to give it. He had always advocated the system of separate education as opposed to mixed education. And how had the system of united education worked in Belfast? A short time after the establishment of the mixed system there a complaint was made (so we understood) that the professors were teaching Arianism. The system of the Scotch Universities, and of the University College, London, had been appealed to in favour of this Bill. With regard to the Scotch system, though the pupils were mixed, the professors were of one faith, and, with all deference to his northern friends, he preferred the system of the Universities of England and of Dublin to that of Scotland. As to University College, London, that was no case in point; for it was not founded by the State, but by men of different shades of religion, who came to that as a compromise; and even then, the result of the plan had been that a second institution, partaking of the collegiate character, had been formed; and then the examining board was superadded for those two and other bodies—it was no case in point for this legisla-

tive measure. He had heard on Friday night, with great pain, an attack made upon the system pursued at the Universities with respect to religious instruction. He could bear his own testimony that great improvements had taken place in that respect during his residence in one of those Universities. With respect to religious instruction at the University of Oxford in his day, that instruction was as full and as complete as could be required by any Christian gentleman called upon to fill any station in Church or State. He referred, especially to his excellent tutor the Bishop of Sodor and Man, and to the amiable and much beloved Bishop of Ripon, as having been instrumental in bringing about a better state of things in the College to which he belonged. He had already stated that he thought an attempt ought to have been made to secure the co-operation of the Roman Catholic clergy of Ireland to promote this Bill. He thought that a fair attempt should be made to induce the various religious bodies in the land, interested in educating the different classes of the people in their own flock, to co-operate to promote the success of a measure of this kind. He thought that an attempt should be made to induce them to set on foot voluntary establishments for the promotion of religious instruction in connexion with those establishments—institutions in which moral and religious discipline should be maintained and enforced. He believed if Government had left the matter to the voluntary liberality of the inhabitants, that both the members of the Protestant Church and the Roman Catholics would have willingly come forward and established theological chairs; to which the Government might with a better grace have added chairs for the teaching of secular knowledge. This was, indeed, only saying, in other words, what had already been formally proposed by the noble Lord the Member for Newark. He thought the principles involved in this measure to be so important, he felt it his bounden duty to enter his protest in the strongest manner he could against it, and especially because it was brought forward by the Government as a measure resting on sound principles. He did not wish to see such principles introduced into England—the principles of a negation of religion, and of putting the teachers of secular knowledge under the control of the Government. For that Government, as at present constituted, he entertained the highest feelings of regard, though he differed from them in some particulars; but he did not know how soon they might be displaced, or who might occupy their places.

Mr. *More O'Ferrall* felt, as one intimately connected with Ireland, that he ought to express his opinion on this question. The present measure, and that for the endowment of the College of Maynooth, had been introduced in such a manner, that if he differed partly from the principle, and generally from the details of the present Bill, he came to that conclusion with extreme regret. He fully admitted the great difficulty the Government had to contend with; but he could assure them, if they felt those difficulties, that they were also felt by others, and especially by those connected with the Irish representation. The great difficulty of the Government was to be found in a cause which it was impossible to remove. It was to be found in the great distrust with which the whole Roman Catholic population regarded the Government. If that distrust existed with regard to political questions, it was enhanced when they came to deal with those questions which touched religion. It must be admitted that the policy of the present Government had been, like that of its predecessors, to undermine, weaken, and destroy the Catholic religion. The hon. Member for Wigan used a strong expression with regard to the Resolutions put forward by the Roman Catholic prelates. He did not go the length of those rev. Prelates; but their protest must be taken as a short expression of that distrust which prevailed throughout the body of the Catholics. It was said the Catholics were satisfied with the system of national education. Why not with this? Let them consider the national system, and the difference would soon be seen. The Government appointed ten Commissioners, six being Protestants, and only four Catholics? Let it be recollected that the Catholic body made a great concession in saying that a mixed system could be well conducted under a Board in which the Protestants were as six to four. But they felt that every rank of the Catholics was represented in that Board. Now, it was that Board which appointed the professors and the teachers, which regulated the system of instruction, and which possessed the power of withdrawing the salary of the master if he violated the principles on which the institution was founded. Let them compare such a measure, which gave the Catholics real securities against any tampering with their religious opinions, with the proposed Government Bill. The Government was Protestant, and was

likely to continue so; and it was that Government which appointed teachers and professors intended for a majority of the Irish Catholic people. Again, under the national system, the child lived with his parents, and was under the religious guardianship of his parish priest; but, in the proposed Colleges, the youths attending them might be left, at a time when they were most subject to temptation, beyond the control of any religious authority of their own Church whatever. There were two objections to the measure: the want of religious education, and the imparting secular instruction without moral training. The right hon. Baronet said, the want of moral training might be supplied by the application of the voluntary principle, in allowing Roman Catholics to endow religious professorships. But that was what they were quite unable to supply. The yearly amount now expended by them in the support of their Church was upwards of 700,000*l*. If you could not give the Roman Catholics religious education, that might be a good reason for refraining from endowing colleges at all; but there could be nothing more dangerous than educating the middle classes of Ireland without the restraints of religious teaching and moral training. If you attempted a measure of this kind at all, you ought to do it well; if not, it would be better to leave the subject unsettled, and wait for the course of events. With regard to Trinity College, if you meant to have separate education for all sects, it might be proper to leave the institution on its present footing; but if it were determined to have mixed education, and yet to maintain that University in its present exclusive arrangements, you did that which would be felt as a great injustice by the Roman Catholics. If the Roman Catholics were placed on the same footing with Protestants in that College, they would be perfectly satisfied, provided that securities were given for the religious training of youth at the Colleges. He should be happy to give his support to the measure, if a reasonable expectation were held out that the objections he felt to it were removed; but otherwise, he should be obliged to vote against the second reading.

Sir *R. Peel:* Sir, I certainly thought, until I heard the speech of my hon. Friend the Member for Somerset (Mr. Acland), that whatever difference of opinion may prevail upon the details of this measure, there had been a general concurrence in one sentiment—that if we could overcome the difficulties which arise from different religious creeds, an extension of academical education in Ireland would be a great advantage to that country. I understand from my hon. Friend, that that part of the case has been left wholly imperfect, that the benefit remains not yet established, and that he very much doubts whether there is that necessity, or that any great advantage will be derived, which is alleged on behalf of the institution of academical institutions in Ireland. Sir, I assume now that we can overcome the difficulties in respect to religious differences; and I should have thought there would have been a general concurrence in this, that looking at the state of Ireland, the extent of its population, the ample provision of academical instruction made in this part of the United Kingdom, its gradual extension in Oxford, Cambridge, University College, King's College, Durham—all proceeding upon the recognition of this principle—that academical institutions do conduce to the cause of sound learning and social improvement—looking again at Scotland, and seeing there a limited population, and not less than four or five academical institutions, dispensing advantages to the inhabitants of that country, and even of Ireland, some of whom are forced to resort thither; looking at these things, I should have thought we might take it for granted, that sound academical institutions would be an advantage to Ireland. According to the last Return its population was upwards of 8,000,000; it is now, I believe, nearly, if not quite, 9,000,000. I look, then, to the provision already made for education in Ireland. Maynooth gives no advantage to the laity; Dublin College provides education for about 100 or 120 Roman Catholics; and in the Belfast Academical Institution there may be twelve or fourteen Catholics. Now, I look at the population of Ireland—at the number of the Catholics in Leinster, Munster, and Connaught; and I ask whether the necessity for academical education is not sufficiently established by adverting to the facts, without adding any argument? But, if you want further proof, what have we done for the education of children there? We are now educating 400,000 in the national schools alone; we are giving them, I believe, an excellent education: it continues till they are of the age of twelve or fourteen—a most important period of life, when they are hardly qualified to be sent into the world, yet the superintendence over their education ceases then; and only the imperfect provision I have adverted to is made for academical

training. The parents send them to Scotland. Will you not try, if possible, to provide in their own country the means of academical education? I hold in my hand a work familiar to all connected with Ireland—one of the best and ablest, because one of the most practical works I have ever seen, connected with the improvement of Ireland—the work of a very eminent man—Dr. Kane, a Roman Catholic. I heard with surprise and regret that professors of geology must be distrusted, if the youth they educate are of a different religious creed from themselves; that is not our doctrine. We have recently established a geological department; we want to make that science subservient to the improvement of agriculture, and the advance of manufactures. We looked for a man to whom we could entrust that department, and we have had no such doubts: we have not thought Dr. Kane disqualified from giving lectures on geology because he is a Roman Catholic; and the gentleman we have selected within the last two months to preside over this new department of knowledge, to instruct the people of Ireland in the means of improving and developing the great resources of that country, and to give these lectures to the whole people of Ireland without exception, is this Roman Catholic gentleman; and I venture to say he will not pervert the powers we have given him to undermine the faith of any of his scholars. Now, what is the opinion of Dr. Kane, after having written fully and ably on the industrial resources of Ireland. He gives his general opinion with respect to the improvement of that country in his concluding chapter; and he says—

"The extent and quality of our supplies of fuel, the distribution and amount of our sources of water power, the locality of our mines of copper and other useful metals, have engaged attention, as well as the condition of the soil, the amount of its produce, and the general principles upon which its cultivation will remunerate. With such elements of prosperity lying at our hands, it becomes a problem of high importance to resolve why they have not been made available, and why this country has been left behind by other nations, whose natural circumstances are in few instances superior, but in many particulars certainly less advantageous."

The writer then proceeded to solve the problem, why, with all these advantages, Ireland was still backward in material comfort compared with the other European nations. It was, he said, an erroneous conception that her people were inferior, morally or physically, to those of any other country; and he deprecated the idea that it was the want of capital—English capital—adding interjectionally that English capital was the bugbear of Irish prosperity. The real cause, he argued, of the backwardness of Ireland was the want of industrial knowledge among her inhabitants. England had no more capital than Ireland before her industrial knowledge was developed; and in Ireland, as well as it had done in that country, capital would follow the application of science to the development of the natural and material resources of Ireland. And he concluded by laying it down, as an indisputable position, that collegiate establishments which would give to men of all creeds the aid of professors of science, were the best if not the only means of effecting that most desirable object. That was written before collegiate establishments were spoken of in this House. That is my answer to my hon. Friend the Member for Somerset, when he tells me that it is yet to be proved that there is any social advantage in extending the means of academical education in Ireland. I think a large majority of this House will admit that it is a great end to be attained, considering the want of education among the youths advanced beyond the age of childhood; and that it is an object not lightly to be abandoned. But, surely, this also will be admitted, that that education ought, if possible, to be given in common. We should be counteracting the object for which we founded the national system of education, where the youths are educated in common, if, after having made those acquaintances in early life, and formed that bond of connexion which united education establishes, we were to interrupt it just when they are on the threshold of life, and say to them, "You who were educated together in schools, must now no longer be educated together." But if I am to plant new academical institutions here and there throughout Ireland, making each of them of an exclusive character, with professors of their own faith, of course I shall have an exclusive and separate education in each, and I must forego the advantages I hope to gain. I should relinquish, with the deepest regret, the prospect of having education in common for the Protestant, Presbyterian, and Roman Catholic youth of Ireland. I wish, then, to establish first the policy of having academical institutions in Ireland on a more extensive scale, and next to have the means of educating there together the

youth of Ireland. Now, how can this be done without, at the same time disregarding that which I admit, at the outset, to be of the utmost importance—the imparting to them a sound religious training, according to their principles? I say at once, that I found and justify a departure from that solely on the peculiar circumstances of Ireland. I admit, at once, that I think the system we propose inapplicable to England and Scotland; but, if we are to have academical institutions in Ireland, I see no other mode of securing that advantage but by the establishment of some such system as this. I justify it by the peculiar and unfortunate character of the religious differences which there exist. What, then, is the proposal we make? That the State should afford the means of excellent secular instruction; that we should have professors of high character, moral and scientific, giving excellent secular education to the youth of Ireland. Do I so disregard religion? Do I so relegate religion from these Colleges? Do I undervalue the importance of connecting education, for the Roman Catholic as well as the Protestant youth, with religious instruction? Far from it. I think it would be imperfect if there were such a disconnexion. I concur with the noble Lord Lord J. Russell), that if I can have nothing but improved secular instruction, I would rather have that than ignorance; but certainly I should feel, that pure secular instruction, without any provision for religious instruction, was but a partial and imperfect training. What course then shall we take? Shall we endow theological professors in each of these institutions? If we do, it is quite clear that the Established Church will have an equal claim with the Roman Catholics, to have their professors of divinity and metaphysics endowed; and how could we reject the claim? Now, first of all, I will address myself to those on this side of the House, who oppose the measure. Suppose we had taken that course—would it have been palatable to them? Would my hon. Friend the Member for Oxford, who calls this "a gigantic scheme of godless education," have supported that plan of extending religious education for Protestant, Roman Catholic, and Presbyterian youth? My hon. Friend would have said—"This is a covert mode of providing endowment for the Roman Catholic Church. You have no such reason as you had at Maynooth; there is no grant existing for fifty years; here is a novel endowment of a Roman Catholic professor. I charge you not only with making a provision for the Roman Catholic Church, but with an utter and manifest indifference to all religions; for, whether they be Roman Catholics, or Presbyterians, or members of the Established Church, here they have their professors of metaphysics, and moral philosophy, and divinity, and all are put upon a footing." My hon. Friend smiles complacently; and I am sure, with that fairness and candour which attract for him the respect of all, he will admit that I have stated what would have been his speech. What would my hon. Friend the Member for Birmingham (Mr. Spooner) have said? "What! found a professor for the propagation of 'that awful delusion,' which you dignify with the name of religion?" Should I not have been met on this side of the House with the most decided opposition, partaking of the character of that which was offered to the institution of Maynooth, but supported by many arguments which could not there be alleged? Now, I turn to the Roman Catholics, and I very much doubt whether that arrangement would have been satisfactory to them. I can quite understand their acquiescing in the youth receiving education from a professor of mathematics, or of any abstract science, provided by the Government; but if the Government founded and endowed a professor of divinity, and especially if it subjected him to any sort of control, I question whether many of the Roman Catholic body would have connected themselves with the institution. I doubt whether they would not have said—"Our religion is independent of the State; scientific knowledge we are willing to receive, education in common we approve, but we will not permit, even by endowment, any interference with a thing so sacred as the spiritual education of our own youth." But do I "endanger faith or morals," by inviting Roman Catholics and Protestants to make provision for the education of their youth? Now, observe what was the original proposal of the hon. Gentleman; it was that the Government should only partially contribute to the institution of these Colleges; and that the counties, by their grand juries, should provide a liberal sum; and the aid of Government be made dependent upon the voluntary contributions. Now, we have said—"We will be at the charge of establishing these insti-

tutions; we will construct the requisite buildings; we will provide liberal endowments for the scientific professors; we will not call upon the grand juries for local contributions: we will commute that demand for a demand upon the voluntary contributions of those who are mainly interested in the religious instruction of these youths, namely, their friends and parents." Even if we were to leave them to found the professorship of moral philosophy as well as of divinity, how small a charge would it be upon such a community, either the Roman Catholic or the Protestant! Do we banish religion from these institutions? No; but we invite the parents and friends to make provision for religious education, sanctioning and encouraging it, and affording means for it; and I have the strongest impression that that education will be more effectually given by leaving it to the natural friends and protectors of the youth in a country so circumstanced, than if the Government were to appoint a theological professor. Now, as to moral discipline, I attach the utmost importance to it. The hon. Gentleman who spoke last says that youth will be in peril for want of it; why should not their parents and guardians undertake it? How much more easy is it for them than for us? How is the religious and moral instruction of a boy at Harrow conducted? It is not done by the head master reading lectures to him, and establishing a minute scrutiny over him; but the parents fix upon a tutor of good character residing there, and commit the boy to his charge, and entrust him with parental authority and control over the youth. Why should not the same course be taken in these institutions? What is the course taken at the Liverpool and Bristol Institutions? I have the papers of those academical institutions before me. I see among the list of the professors the names of those who are willing to take boys under their private care; and there are clergymen and teachers, through whose supervision religious instruction may be given to the scholars. Now, if you wish to have religious instruction given to the pupils in these academical institutions, provided it be done with the full consent of the natural guardians of the child, there is nothing in the Bill to interfere with such an arrangement. I apprehend that parents will ascertain the character of the tutor, and place their children under his care, for the purpose of having their moral and religious improvement attended to; and that in this way, by a sort of common consent, the moral and religious instruction of the child will be attended to. I will suppose a town, with ten or twelve eminent professors, selected with the greatest care, giving lectures in that town, and setting an example of moral conduct; and that there are 300 or 400 pupils attached to the institution. Then am I to be seized with the utmost alarm with respect to the moral conduct of those youths? But if I look to the occupations of these youths on the banks of Loch Carrib—if I think what ought to be the real moral control which is to be exercised over them—if I see how they spend their week, I must own that the alarm of introducing them to ten or twelve scientific men of high moral conduct, and the apprehension as to the consequence to the morals of these youths, are very much overrated. To show how far the predictions may be expected to be realized, in consequence of Roman Catholics or Protestants hearing scientific lectures from eminent professors of a different faith to their own, I will refer to an institution which was sanctioned by Parliament in the year 1810—the Academical Institution at Belfast. In that year was passed, "An Act to incorporate and regulate an Institution to be called the Belfast Academical Institution, for affording youth a classical and mercantile education." It provided no religious test for the professors; it provided no religious instruction which the managers would not undertake to provide. I know that at a subsequent period difficulties arose in the management of the affairs of that institution; but that was because they were a proprietary body, and there was no control on the part of Parliament over them. But on the point in question, I will call in the evidence of a witness than whom there can be none more unsuspected or impartial in such a case—the Roman Catholic Primate of Ireland, Dr. Crolly. This institution gave good secular education; but it went upon the principle of permitting the parents and guardians of youth to give their religious education as they pleased. Dr. Crolly was asked, "Have you been at Belfast for any length of time?" He answers, "Yes; I was parish priest there for nearly thirty years." He is asked, "whether he knew that any Roman Catholics attended the Belfast Academical Institution?" He says, "They

did." Now, the Belfast professors were mostly Presbyterians, who are more opposed to the faith and discipline of Roman Catholics than we of the Established Church. But I want to show you that the professors, instead of perverting the faith of those committed to their charge, and seeking to undermine their religious principles, were men of great scientific attainments, who viewed with kindness those placed under their care, and acted towards them with great delicacy. My hon. Friend says, that we should try to enforce our doctrines upon others on all occasions. I differ from him; I would say to the professors, it is not your duty, considering your difference of religious creed, to seek opportunities for undermining the faith of those committed to your charge. That was the resolution to which these men came. Looking at the variety of creeds of those whom they had to instruct, they bound themselves by resolutions that they would not seek to convert them from the Roman Catholic faith. And what is the testimony of Archbishop Crolly, who now presides over the Roman Catholic Church in Ireland? I want to adduce facts to show you that we are better than you suppose us to be. Dr. Crolly is asked—

"It is hardly necessary to inquire from you whether there is any danger of the religious principles of Roman Catholics being interfered with in any way by their attendance at the Belfast Institution?" He says—"No; I do not think there is. Some Roman Catholic gentlemen sent their sons to this institution; and, though they were not of my parish or diocese, they were obliged to attend public worship in my parish."

These observations lead me to think that the masters of these institutions directed the attention of their Roman Catholic pupils to their moral and religious duties; and, that, so far from attempting to proselyte, they were honourable men, who felt that they had other business than that of undermining the faith of the Roman Catholic youth. Dr. Crolly is asked—

"Have you ever heard complaints, that the attendance of Roman Catholics on the institution was attended with any danger to their faith?" He replies—"Never. If I had, I should have interfered to prevent it; but I never apprehended, in the slightest degree, anything of the sort."

He states that the religious instruction which the pupils received was that derived by their attending at the explanation of the catechism and public worship in their own places. But, at the worst, a zealous Roman Catholic might say, "I will not permit these youths to be brought up in ignorance of religious truths. I will write to their parents on the subject; I will volunteer my services; I will see that the means of religious instruction are provided for them." But you will endow religious professorships; and have too much respect for, and too much confidence in, the importance that you attach to religion to believe that you will neglect any necessary provision of the kind. Dr. Crolly says—

"I am personally acquainted with several of the professors." And he is asked—"Have any of those professors conducted themselves in any way offensive towards Roman Catholics?" Now, here is the Roman Catholic testimony which is given in answer to that question—

"No; quite the contrary. Some of the professors requested that I would revise some copies of the Roman Catholic Scriptures for the use of the Roman Catholic pupils; and, though they are ministers of the Presbyterian Church, I believe they have paid proper and respectful attention to the religious principles of the Roman Catholic scholars."

Here, then, is Irish religious experience, and I place that in juxtaposition with your fears for the future. I believe that that which has happened in Belfast will happen again, if we are careful with respect to the selection of professors. These are facts in favour of communions of different sects, and united education. The difference between these proposed institutions and that of Belfast is, that in the latter there were theological professors endowed by the State, giving it a sectarian cast. Yet Dr. Crolly, in 1827, held an opinion in favour of the plan of Roman Catholic youths being educated there, the principle being recognised that each party should be religiously instructed according to the wish of his parents. I confess I was surprised, and seldom have I been more surprised, when I perused that public document recently set forth, wherein it is contended that a Roman Catholic pupil cannot receive instruction through lectures given by a professor of geology, or of anatomy, or of history, except he be a Roman Catholic professor. It is urged, I know, that it would be dangerous to their faith. Well, if that means that there is a tendency to infidelity in the study of geology, or of anatomy, or in the professors of them, I think that both Protestants and Roman Catholics stand upon the same footing in that respect. But, if I listen to a professor who lectures upon any science, does the difference of his faith from mine expose me to so much danger that my exalted

ideas of religion, and my well-grounded belief, are to be overturned by that association? I have a higher opinion of science. But will a man who is selected by the Crown for that important trust, a man eminent in his sphere, after he has developed to his pupil the mysterious mechanism of the human eye, or the wonderful and perpetual working of the human heart, end his description, by which he enlarges the mind and expands the intellect of his pupil, with a weak attempt to disown the great Maker of all? Or, can you suppose that a professor will terminate an anatomical lecture with a sly sarcasm against Martin Luther, or a covert attack upon the Council of Trent? Such a thing is really ridiculous. I cannot conceive, that after an astronomical lecture a professor would take advantage of the power of his position, considering the conditions on which he accepts his office, for the purpose of undermining the faith and corrupting the morals of his scholars. Would a Roman Catholic, were a second Newton to arise, refuse to receive lectures in astronomy from such a man? Look at the magnificent conclusions he draws as to the omnipotence and omnipresence of the Deity. Can a man descend from such lofty sublimities to the paltry effort of corrupting the faith of some one of his listening pupils? It is not credible? Therefore I say, that the Roman Catholic and the Protestant have an equal guarantee against the propagation of infidelity in these institutions. But it is objected that these professors are to be exclusively in the nomination of the Crown. Why, that certainly is the case at present; for great care must necessarily be exercised at first in their selection. It is also said there is no public trial. But if, hereafter, this should be found inexpedient, I do not know that it will be contrary to the principle of the Bill to have a change in that respect. Let it not be supposed, however, that the utmost care will not be taken in selecting proper persons for those institutions, which are to be established in the Roman Catholic provinces of Munster and Connaught. I very much fear—notwithstanding all the pains that may be taken to secure men of distinguished reputation and of qualifications of the highest order—that the most eminent men, being those generally speaking, who are the most advanced in life, will be the least inclined to come forward, and the most disposed to shun competition. Before I sit down I should wish to mention one point which seems to me not to have been noticed by my right hon. Friend—I mean exhibitions. It has been thought—and, as it appears to me, on very good ground—that they would greatly stimulate industry and promote sound learning. It has been, I regret to observe, made a matter of complaint that those who have brought forward this measure have made no declaration as to the establishment of a University. Now I do think that under present circumstances it would be premature to make any declaration upon that subject. I think it is a question which ought to be left for mature deliberation; thus much, however, I may venture to say, that I think it would, on the whole, be better to form a university by the union of the three Colleges, than to attempt to establish three by erecting each College into a university; considerations of this kind, however, will come time enough. If these Colleges are found to work well—if they merit and obtain the confidence of the people of Ireland—we then can proceed to do whatever may be necessary with respect to a university, because some time hence will clearly be the fittest for its consideration: for those reasons we think it quite as well to make no declarations on this point. The Crown possesses the power of incorporating these Colleges into a university whenever the necessity arises, and it can be done without the aid of Parliament. It will then, I think, be admitted that this plan is extensive, though it does not embrace all that it might be possible to include. These, then, are the general principles upon which this measure has been submitted to the House. On the whole we have thought that it was the best which we could at present produce; that considering the peculiar circumstances of Ireland, we stood a better chance of success with a system in which religious education would be placed on the footing now proposed, than by attempting to form separate theological establishments, or by appointing separate theological professors in each College. My hon. Friend the Member for the University of Oxford says that he will not support any but a system of education based upon religion; that he will support nothing without religious instruction. But I am sure my hon. Friend will feel himself bound in candour to admit that by religious instruction he must mean instruction according to the principles, doctrine,

and discipline of the Church of England. That must be his plan—consistently with himself he could adopt no other; but for our parts, we should rather abandon the scheme altogether than attempt to establish in the south and west of Ireland Colleges upon the principles of the Church of England. I know this plan of ours has been objected to by high authority in the Roman Catholic Church. I will add, however, that notwithstanding this, and notwithstanding some opposition on the part of the laity, there is every reason to believe that amongst respectable and intelligent men of all classes there exists a strong disposition to accept this proposition. My belief is that the national system can be carried out for the benefit of the Roman Catholic youth of Ireland. My belief is that the effect of improved education will be to soften the asperities which arise in Ireland on account of religious differences — differences which greatly embitter social life in Ireland. In the words of a celebrated writer, I will say, that this plan is well calculated to lay a foundation for developing those natural and national resources with which that country abounds—to develope them not so much by the introduction of fresh capital into that country, as by that cultivation of industrial and scientific knowledge, combined with religious instruction, which it is the object of this Bill to establish.

Mr. *Morgan J. O'Connell* begged the attention of the House whilst he stated briefly the grounds on which he should vote, as he felt compelled to differ from those with whom he generally acted. The question raised was, as to the principle of a system of mixed education. He had always been in favour of mixed education in Ireland; he had himself received the benefits of a mixed education, which had enabled him to see that the Roman Catholics had nothing to fear from any attempts to undermine their faith on the part of the Protestants. The main truths of Christianity were common to them all; and what they most wanted was charity towards one another. The principle of this Bill was that which had revolutionized Ireland, the principle of extending secular education unaccompanied with religious instruction. To that principle he would give his support; the moral movement in Ireland owed its force to the education of youth in the national schools, by supplying them with occupations which led them away from the social excitements in which they had before indulged. Upon this ground he should support the second reading; but he entertained some objections to the details of this Bill, so strong that he could not undertake to vote for any subsequent stage, unless it should be altered in those respects. With regard to the endowment of halls, he thought that would be liable to strong objections on the part of the community to which he (Mr. J. M. O'Connell) belonged. Upon the whole, he thought it preferable to allow these things to be done by voluntary contributions. He acknowledged that in this, as well as in other respects, a desire had been shown on the part of the Government to promote the interests of the people of Ireland; but as the transactions of last year could not be readily forgotten, he thought there would be some distrust felt in leaving the appointment of professors in the hands of the Government. After all, perhaps, it was better to leave this matter to the Government, provided some hope was held out that hereafter those appointments should be the rewards of scientific and literary attainments. The hon. Gentleman expressed his hope that Trinity College would be opened to persons of all denominations.

Mr. *Shaw*, before the debate closed, would ask the House to allow him to state, in a few words, the reason of the vote he would give on that occasion. He thought increased facilities for the education of the middle classes in Ireland were much required. His hon. Friend (Mr. Acland) had made an observation, as to the general supporters of the second reading, which would apply to him (Mr. Shaw). He could not support the present scheme as by any means a perfect system of education—but he did not understand it as professing to be so—and as no one who had spoken in opposition to it had suggested what he (Mr. Shaw) could regard as a less objectionable plan for the purpose, and he was not prepared to propose one—he felt that under all the circumstances and admitted difficulties of the case, he could not refuse a vote in favour of the second reading of the measure then brought before the House upon the responsibility of Her Majesty's Government. In reference to an observation of his right hon. Friend (Sir Robert Peel) that these Colleges would probably be in some time united into one university, he (Mr. Shaw) was of opinion that the institutions to be founded by the Bill would be more in the nature of large public day schools, than what could be properly termed Colleges—if that implied

academical instruction in the generally understood sense. He did not say this for the purpose of depreciating the scheme, nor from any theoretical view, so much as from some personal and practical knowledge of the wants of Ireland in respect of education. He thought the gentry generally would still send their sons to the University of Dublin, not only from the prestige belonging to an ancient establishment, but that it could be accomplished without much difficulty or expense; and while he admitted there was a deficiency of useful education for the middle classes—he thought, so far from there being an insufficiency in the supply of strictly academical or university advantages, that they rather exceeded the demand—that there were more graduates from the University of Dublin than the professions could draw off; and as regarded comparison with England, he doubted whether there was not a larger proportion of the same class graduating in Ireland than in this country. He expected that, on the whole, fewer probably in number would come up to the University at Dublin, when supplied with a suitable education nearer home; but that the most advanced and distinguished of the pupils of the new Colleges or schools would be sent forward to the University. He considered that that would be more for the advantage of society in Ireland generally, and also in some degree meet the difficulty of the absence of a provision for religious superintendence, which would be insuperable if the young men were to be collected together and domiciled in a University. Upon that point a parallel had been attempted between the proposed system and that of Dublin; but it was to be borne in mind that in Trinity College, Dublin, that was only the exception in case of dissenters from the Established Church, while the rule and the principle of the establishment, which was one essentially connected with the Church, was, that all its members should be taught the tenets and submit to the discipline of the Established Church. He could not agree with his right hon. Friend (Sir R. Peel) that the system of the proposed Colleges was similar to that of the National Board. The difficulties might be of the same character, but the difference was in the way the Government had attempted to deal with them. In the case of the board, the Government had tried to regulate the religious instruction, and failed—and here he (Mr. Shaw) believed they would have failed too, if they had made the same attempt. There the Government had repudiated the doctrine of the freedom and sufficiency of the Scriptures held by Protestants, and adopted the Roman Catholic doctrine, that the Scriptures were only to be read under license, and not during the school hours—and that had been the principal cause of separation from the system. Practically, too, the case was very different; for previously to that system the Scriptures had been almost universally read in all the schools for the children of the poor in Ireland. While in such large day schools, as the present would be for the upper and middle classes, the religious instruction was virtually left to the parents and guardians out of school; and, therefore, he thought, the religious question involved of infinitely more importance in the case of the system of the National Board, which applied to the schools of the poorer classes, than of the present scheme, which had reference to the higher. Moreover, he thought the Government had wisely taken warning from their experience of their great practical difficulty, in the instance of the National Board in Ireland; and he (Mr. Shaw) could not fairly make that a ground for opposing the present measure. His noble Friends who had proposed and seconded the Amendment for the rejection of the Bill, and who had voted for the Maynooth Endowment Bill, might consistently recommend the Government to endow an exclusively Roman Catholic College; but he (Mr. Shaw) could not take that course, and must have opposed any such proposition. His hon. Friend the Member for the University of Oxford (Sir R. Inglis) opposed the present measure; but while he (Sir R. Inglis) admitted the necessity for further means of instruction for the middle classes in Ireland, he (Sir R. Inglis) did not offer any substitute for the plan submitted to the House by Her Majesty's Government. Under all those circumstances, while he (Mr. Shaw) felt relieved from any personal responsibility in regard to the present measure, which he could not altogether approve—still, when he had heard nothing better proposed, and had nothing better to propose himself, he would not feel justified in withholding from the Government his vote for the second reading of the Bill they had submitted. He could wish to have made some answer to the remarks made by the hon. and gallant Gentleman (Captain Osborne), and the noble Lord (Lord J. Russell), with reference to the University of Dublin; but at that late hour, and in the then excited state of the House, he would merely ob-

serve, that the speech of the hon. Gentleman who had spoken last (Mr. M. J. O'Connell) admitted the fact, that education was as free there to Roman Catholics as to Protestants; and the spirit in which that speech was made, illustrated that such mixed education was, at all events, not without some advantages.

Sir *Valentine Blake* would vote for the second reading. He was not satisfied with the Bill; he hoped considerable alteration would be made, and that the Government would not hurry it through Parliament.

The House divided on the Question, that the word "now" stand part of the Question:—Ayes 311; Noes 46: Majority 265.

List of the AYES.

Acland, Sir T. D.
A'Court, Capt
Aglionby, H. A.
Aldam, W.
Alford, Visct.
Anson, hon. Col.
Antrobus, E.
Archbold, R.
Arundel and Surrey, Earl of
Astell, W.
Bailey, J. jun.
Baillie, Col.
Baillie, H. J.
Baine, W.
Baird, W.
Barkly, H.
Baring, rt. hn. F. T.
Baring, T.
Barneby, J.
Barrington, Visct.
Barron, Sir H. W.
Baskerville, T. B. M.
Bell, M.
Bellew, R. M.
Benbow, J.
Bentinck, Lord G.
Blackburne, J. I.
Blake, M. J.
Blake, Sir V.
Blakemore, R.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowes, J.
Bowles, Adm.
Bowring, Dr.
Boyd, J.
Brisco, M.
Brooke, Sir A. B.
Brotherton, J.
Brownrigg, J. S.
Bruce, C. L. C.
Bruges, W. H. L.
Buller, C.
Campbell, J. H.
Cardwell, E.
Castlereagh, Visct.
Cavendish, hon. C. C.
Cavendish, hn. G. H.
Chapman, A.
Chapman, B.
Christie, W. D.
Chute, W. L. W.
Clay, Sir W.
Clayton, R. R.
Clements, Visct.
Clerk, rt. hn. Sir G.
Clifton, J. T.
Cobden, R.
Cockburn, rt. hn. Sir G.
Colborne, hn. W. N. R.
Collett, W. R.
Collett, J.
Collins, W.
Coote, Sir C. H.
Copeland, Ald.
Corry, rt. hon. H.
Courtenay, Lord
Cowper, hon. W. F.
Craig, W. G.
Crawford, W. S.
Cripps, W.
Curteis, H. B.
Dalrymple, Capt.
Damer, hon. Col.
Davies, D. A. S.
Dawnay, hon. W. H.
Dawson, hon. T. V.
Denison, W. J.
Dennistoun, J.
D'Eyncourt, rt. hn. C. T.
Divett, E.
Dodd, G.
Douglas, Sir C. E.
Douglas, J. D. S.
Drummond, H. H.
Dugdale, W. S.
Duncan, Visct.
Duncombe, T.
East, J. B.
Eastnor, Visct.
Egerton, Lord F.
Ellice, rt. hn. E.
Emlyn, Visct.
Entwisle, W.
Escott, B.
Evans, W.
Feilden, W.
Fellowes, E.
Ferguson, Sir R. A.
Fitzroy, hon. H.
Fitzroy, Lord C.
Fitzwilliam, hon. H. G.
Flower, Sir J.
Forman, T. S.
Forster, M.
Fox, C. R.
Fremantle, rt. hn. Sir T.
French, F.
Gardner, J. D.
Gaskell, J. Milnes
Gill, T.
Gladstone, rt. hn. W. E.
Godson, R.
Gordon, hon. Capt.
Gore, M.
Gore, hon. R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granger, T. C.
Greene, T.
Grey, rt. hon. Sir G.
Grimston, Visct.
Guest, Sir J.
Hale, R. B.
Hall, Sir B.
Hallyburton, Lord J. F.
Hamilton, C. J. B.
Hamilton, J. H.
Hamilton, G. A.
Hamilton, W. J.
Hamilton, Lord C
Hanmer, Sir J.
Harcourt, G. G.
Harris, hon. Capt.
Hatton, Capt. V.
Hawes, B.
Hayes, Sir E.
Heneage, G. H. W.
Heneage, E.
Henniker, Lord
Herbert, rt. hn. S.
Hervey, Lord A.
Hinde, J. H.
Hobhouse, rt. hn. Sir J.
Hodgson, F.
Hogg, J. W.
Hollond, R.
Holmes, hn. W. A'C.
Hope, hon. C.
Hope, G. W.
Howard, hon. J. K.
Howard, hn. E. G. G.
Howard, P. H.
Howard, Sir R.
Hughes, W. B.
Hume, J.
Humphery, Ald.
Hussey, T.
Hutt, W.
Ingestre, Visct.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Johnstone, H.
Jones, Capt.
Kirk, P.
Labouchere, rt. hn. H.
Lambton, H.
Langston, J. H.
Lascelles, hn. W. S.
Lawson, A.
Layard, Capt.
Legh, G. C.
Lemon, Sir C.
Lennox, Lord A.
Leveson, Lord
Liddell, hon. H. T.
Lincoln, Earl of
Listowel, Earl of
Lockhart, W.
Lowther, Sir J. H.
Lygon, hon. Gen.
Macaulay, rt. hn. T. B.
Mackenzie, W. F.
McGeachy, F. A.
McNeill, D.
Mahon, Visct.
Mangles, R. D.
Marshall, W.
Martin, J.
Martin, C. W.
Martin, T. B.
Masterman, J.
Matheson, J.
Meynell, Capt.
Milnes, R. M.
Mitcalfe, H.
Mitchell, T. A.
Mordaunt, Sir J.
Morgan, O.
Morris, D.
Morison, Gen.
Mundy, E. M.
Napier, Sir C.
Newport, Visct.
Nicholl, rt. hn. J.
Norreys, Lord
Norreys, Sir D. J.
Northland, Visct.
O'Brien, J.
O'Connell, M. J.
Osborne, R.
Ossulston, Lord
Oswald, J.
Packe, C. W.
Paget, Col.
Pakington, J. S.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Philips, G. R.
Philips, M.
Pigot, Sir R.
Plumridge, Capt.
Polhill, F.
Ponsonby, hn. C. F. A.
Praed, W. T.
Pringle, A.

Pulsford, R.
Rawdon, Col.
Redington, T. N.
Reid, Sir J. R.
Repton, G. W. J.
Rice, E. R.
Rolleston, Col.
Ross, D. R.
Rous, hon. Capt.
Russell, Lord J.
Russell, C.
Russell, J. D. W.
Ryder, hon. G. D.
Sanderson, R.
Sandon, Visct.
Scott, hon. F.
Seymour, Lord
Seymour, Sir H. B.
Shaw, rt. hon. F.
Shelburne, Earl of
Sheridan, R. B.
Smith, A.
Smith, B.
Smith, rt. hn. T. B. C.
Smollett, A.
Somerset, Lord G.
Somerton, Visct.
Somerville, Sir W. M.
Somes, J.
Standish, C.
Stanley, E.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Stuart, H.
Stock, Mr. Serj.
Strickland, Sir G.
Strutt, E.
Sutton, hon. H. M
Tancred, H. W.
Tennent, J. E.
Thesiger, Sir F.
Thornhill, G.
Tower, C.
Traill, G.
Trelawny, J. S.
Trench, Sir F. W.
Trollope, Sir J.
Trotter, J.
Tufnell, H.
Vane, Lord H.
Vernon, G. H.
Villiers, Visct.
Vivian, J. H.
Vivian, J. E.
Wall, C. B.
Walsh, Sir J. B.
Warburton, H.
Ward, H. G.
Wawn, J. T.
Welby, G. E.
Wellesley, Lord C.
Westenra, hon. J.
Whitmore, T. C.
Williams, W.
Wilshere, W.
Wodehouse, E.
Wood, Col.
Wood, Col. T.
Worsley, Lord
Wortley, hn. J. S.
Wrightson, W. B.
Wyse, T.
Yorke, hon. E. T.
Yorke, H. R.

TELLERS.
Young, J.
Baring, H.

List of the NOES.

Acland, T. D.
Austen, Col.
Blackstone, W. S.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Chetwode, Sir J.
Clive, Visct.
Colvile, C. R.
Corbally, M. E.
Dickinson, F. H.
Duncombe, hon. O.
Du Pre, C. G.
Eaton, R. J.
Farnham, E. B.
Filmer, Sir E.
Glynne, Sir S. R.
Granby, Marquess of
Greenall, P.
Henley, J. W.
Hope, A.
Hussey, A.
Inglis, Sir R. H.
Knight, F. W.
Law, hon. C. E.
Lowther, hon. Col.
Maher, N.
Mainwaring, T.
March, Earl of
Miles, P. W. S.
Miles, W.
Newdegate, C. N.
O'Brien, A. S.
Plumptre, J. P.
Rashleigh, W.
Richards, R.
Roche, E. B.
Rushbrooke, Col.
Sibthorp, Col.
Sotheron, T. H. S.
Spooner, R.
Taylor, J. A.
Thompson, Ald.
Tollemache, J.
Turnor, C.
Waddington, H. S.

TELLERS.
Manners, Lord J.
Adare, Visct.

Bill read a second time.

House adjourned at half past one o'clock.

HOUSE OF LORDS,

Tuesday, June 3, 1845.

MINUTES.] *Sat First.*—The Earl of Romney, after the Death of his Father.

BILLS. *Public.—Reported.*—Small Debts.

3ª and passed:—Indemnity; Railway Clauses Consolidation (Scotland) (No. 2).

Private.—1ª Berks and Hants Railway; Midland Railways (Syston to Peterborough); Glasgow Markets; Lutwidge's or Fletcher's) Estate; Sir Robert Keith Dick's Estate.

2ª Cromer (Norfolk) Protection from the Sea; Blackburn Waterworks; Castle Hill (Wexford Docks); Watermen's Company Endowment; Blackburn, Burnley, Accrington, and Colne Extension Railway.

Reported.—Nottingham Inclosure; Leeds and Bradford Railway Extension (Shipley to Colne); Chester and Holyhead Railway; Leeds, Dewsbury, and Manchester Railway; Huddersfield and Sheffield Junction Railway; Huddersfield and Manchester Railway and Canal.

3ª and passed:—Paisley Gas.

PETITIONS PRESENTED. By Bishops of Llandaff, Cashel, Chester, and Winchester, by Earls of Radnor, Clancarty, Fitzhardinge, Fortescue, Yarborough, and Roden, by the Marquesses of Breadalbane, and Downshire, and by Lords Bexley, Farnham, Kenyon, and Brougham, from Inhabitants of Ballygilbert, and a great number of other places, against the Increase of Grant to Maynooth College.—From Kilmore, and 6 other places, for the Encouragement of Schools in connexion with Church Education Society (Ireland).—By Earl of Fortescue, and Lord Campbell, from Exeter, and Ilminster, in favour of the Increase of Grant to Maynooth College.—From Liverpool, and Chipping Warden, for the Appointment of a Committee of Inquiry relating to Maynooth College.—From Dingwall, for Improving the Condition of Schoolmasters (Scotland).—From Tillicoultry, against the running of Railway Trains on the Sabbath.

MAYNOOTH COLLEGE (IRELAND) BILL—ADJOURNED DEBATE.] Order of the Day for resuming the Adjourned Debate, read.

Debate accordingly.

The Earl of *Hardwicke* said, that in addressing the House on the question then under discussion, he would abstain from making any remark on the existing agitation in Ireland, except so far as regarded the evil tendency which that unhappy agitation on political subjects had to render it difficult to carry into effect the good intentions of the Government of ameliorating the condition of Her Majesty's subjects in Ireland, from the circumstance that the agitation itself rendered a great number of the people of this country disinclined to adopt measures of kindness and amelioration in respect of Ireland. The present course which the Government was pursuing, would have been more easy if the agitators in that country had been disposed to abstain from any active denunciations of the views of the Government. In the course of the discussion of last night, he had been struck with the very narrow limits to which the debate appeared to have been confined, having extended itself no further—so to speak—

than the walls of the College of Maynooth; the latter part of the discussion in particular having reference only to the religious feelings and opinions of its inmates. He considered the measure now under the consideration of the House as one of those great steps which, during the last half century, they had gradually been adopting for the amelioration of the Roman Catholics of Ireland. Step by step had that movement gone steadily forward, in spite of every difficulty and opposition, until they had at last very nearly arrived at the point which had not only brought the Catholics of Ireland, but the religion which they professed, to an entire equality with the Protestants and the Protestantism of the Empire. In pursuance of this policy, the present measure had been proposed. Let their Lordships look to what was the state of the College of Maynooth. They had evidence to show that the condition of that institution was such as to render it insufficient for the purposes which it was intended to accomplish. They had had the history of its rise and progress from the noble Duke who last night opened the debate. They had seen how it had become, by the lapse of time, and the increase of population, insufficient to carry out the intentions of its founders, and how the necessity of doing something for it had arrived. Some remedy must, therefore, be adopted, and three courses were open for the Government to pursue: they might leave the institution as it was; they might abolish it entirely; or they might adopt that course which they had actually chosen. The two former alternatives, it was quite impossible that under present circumstances they could have adopted. No course was, therefore, practically left, but that which would carry out the intentions of the original founders—the Protestant Parliament of Ireland, and place the College in a good and efficient state for all the purposes for which it was originally established. So far no new principle was introduced by the Bill; and in this respect, therefore, it could not have raised feelings of alarm in the minds of the people of this country. But the deep feeling and great excitement which it had occasioned must have been the effect of the new principle which the Bill did undoubtedly introduce into Ireland, namely, the endowment and incorporation of the Irish Roman Catholic Church. The right rev. Prelate (the Bishop of London) who had last night addressed the House, objected to the institution of Maynooth upon the ground that the students were principally taken from the very lowest classes of society. Of this assertion, however, no proof was advanced, and he was by no means certain that it was quite correct. Indeed, they had evidence to prove that, in order to gain admission to the lowest class of Maynooth, applicants were required to undergo the test of an examination in various branches of the classics—the acquisition of which would involve the necessity of a somewhat expensive previous education. Passing from this point, however, to the more important part of the Bill, which introduced a new principle into the policy we had so long pursued towards the Roman Catholic Church in Ireland, it was well known and understood, particularly in this country, where the endowment of our own Church had brought about such benefits, that endowments were essentially important to the advancement of religion and the well-being of society at large. What was the state of that religion which they were about to endow? Could they carry out the principle of eradicating and abolishing it altogether? Had they not up to the present time not only tolerated but given it power and wealth, and very recently taken a much greater step than that for the endowment of the College of Maynooth, namely, the sanctioning last year the endowment of private property in connexion with the Roman Catholic Church? The principle of joint endowment was adopted in the Mauritius, Newfoundland, Malta, Canada, Trinidad, St. Lucia, and Gibraltar; but it was one which was perfectly novel in Ireland, and he must say that he was perfectly ready and willing to see that principle, and others akin to it, carried out to their fullest extent, and that he entertained no apprehension of the safety of the Protestant Church being endangered by the experiment. In all the evidence that had been taken on the subject, no instance had been shown in which the Roman Catholic Church had evinced any desire to take to itself any portion of that which belonged to the Established Church, or any unwillingness to have sufficient power exercised over it by the State. He contended for the payment of the Catholic clergy by the State; and he conceived that such a course would ensure two great and desirable objects—the elevation of the character of the priest, and the removal of a burden from the shoulders of the peasant—objects, the accomplishment of which would do more for the social condition of Ireland, and more tend to promote its

peace and prosperity, than would that of almost any others. He believed that the endowment of what were called "Antagonist" Churches, so far from injuring, would tend much to the support of the Protestant Church of Ireland. The endowment of the Church of 6,000,000 of the Irish people could not but have a beneficial effect upon the Roman Catholic clergy, who would thus be enabled to perform their sacred duties free from those influences which now affected them; and would tend to relieve a great mass of suffering. As to the opinion that the property of the Irish Church Establishment was coveted by the Irish Catholics, they had every ground for believing that that opinion was fallacious. Dr. Doyle had distinctly declared that there was no desire on the part of the Roman Catholics of Ireland to obtain the temporal possessions of the Protestant Established Church; and Mr. O'Connell, although he had spoken in favour of attaching the Catholic clergy to the State by a golden link, had denounced the idea that there was any intention or wish on their part to deprive the Protestant Church of its revenues. He knew that a different opinion as to the endowment of the clergy now prevailed; but although it might be said that the Roman Catholics of Ireland would not accept of any State endowment for their clergy, he thought the acceptance of the endowment offered to them by the present measure, was a proof sufficient that the well-thinking classes of that community would be disposed to look with gratitude to any fair offer of that description that might be made to them. The source from which that endowment should be paid was another question. There might be circumstances connected with the Protestant Church of Ireland, which might make it matter for grave consideration whether it would not in fact strengthen that Church to abstract a portion of its revenues, not to the uses of the State, but to the uses of religion. Was it true that there were 151 parishes in Ireland in which there was not a single Protestant? He did not know for a fact that it was so—but he asked the question—was it so? If that were really the case, it was indeed a monstrous state of things. Was it true that there was a revenue of 58,000*l.* a year paid to the Protestant Church in 151 parishes in Ireland, in which there was not a single Protestant? He said again that he did not know whether this was the case or not, but he asked the question—was it so? And if so, then he would repeat it was indeed a monstrous state of things, and it was in no degree matter of astonishment that the minds of men, in a highly educated state, beholding such a picture, should feel that the time was come when, for the sake of religion—for he sake of public security—for the sake of placing the Protestant Church in a high and strong position—that that state of things, if it did exist, should exist no longer. These were his own opinions, formed upon his own judgment, and entirely unconnected with any one with whom he had had communication on this subject. They were opinions that had arisen in his mind, from an anxious but calm consideration of the present state and condition of Ireland, and of the aspect which it bore to him, viewing it, as he did, from a distance. They were opinions that had arisen in his mind from seeing the great advancement which Ireland was daily making, in spite of all that was opposed to it, and from an entire conviction that no settlement of affairs in that country would be perfect until all those points were placed upon such a footing as would enable, not the Irish people only, but the people of England, to look with satisfaction upon the state of things in Ireland. The proposition of two antagonist Churches existing together in perfect amity, and with entire security to the Protestant Church, was not new. They had the spectacle of two such Churches existing together in perfect amity and contentment in more than one country, and they saw them working together side by side in their respective missions, and both conducing to the advancement and interests of true religion. In Austria, where the Established Church was Roman Catholic, they found Protestants admitted to perfect equality, and to all employments, civil as well as military. In Bavaria, there were three religions existing in amity together—the Roman Catholic, the Calvinist, and the Lutheran, all being on terms of perfect equality, and all having the same rights. In France, the same burying grounds were common to both religions; and in the kingdoms of Saxony, Holland, and Hanover, they found Roman Catholic and Protestant existing together on terms of equality and amity, not only without injury to the religion of either, but to the advantage of both. And it was a monstrous state of things to exhibit a spectacle unlike anything that was to be found elsewhere in the whole world. In looking at the present state of Ireland, it was impossible to cast out of considera-

tion the rapid growth of the power of the Irish Roman Catholics. Parliament had placed them upon an equality with their Protestant fellow subjects; they had given them the power, and they had obtained wealth and influence; they had placed them in a position in the social scale equal to their own; and yet they refused the elementary support to that Church which, under a proper state of things, might be expected to exercise a useful and powerful influence in the good government of that portion of the community. In what he was now saying, he wished not to be understood as intending to give any sanction to the Roman Catholic religion. He was, he hoped, as sincere a Protestant as any noble Lord in the House. But in his mind, if he were to enter into an inquiry, as proposed, as to the state of the Roman Catholic religion as taught at Maynooth, into the books read by the students, and the nature of the spiritual instruction given, it would be a proof that he desired to interfere with the spiritual affairs of that establishment; and though he might find nothing in that spiritual instruction which was not customary to the Roman Catholic Church, which (he hoped he might say without offence) he abhorred, still he should find nothing that would not be in his mind, as a Protestant, pernicious in itself, and therefore it was that he would not by inquiry be supposed to give any personal authority or approval of what was there taught. At the same time he did not see that it was at all inconsistent with his view that he should desire to raise the standard of education there given to those who were to be the spiritual teachers of the Irish people. A noble Friend of his, not now in his place, had on the previous evening attempted to connect the Irish priests educated at Maynooth with the crimes and outrages which had unfortunately prevailed to so great an extent in Ireland. Now, he had looked into the evidence taken before the House of Lords in 1839, and he found that Colonel Kennedy traced the existence of crime in Ireland to religious differences only so far as religious differences affected the social state of that country; and Major Warburton, after speaking of the great influence the Irish priests had over their flocks, went on to say, that they had used that influence to maintain the peace of the country, and had on several occasions aided the constabulary force when it was called upon to act. Another witness, Mr. J. H. Hamilton, had stated that the priests were opposed to ribbonism, and mentioned instances in which they had actually given information against men who were implicated in the ribbon conspiracy, and had denounced that conspiracy from the altar. The same witness also added that he had never known an instance of a priest sanctioning the ribbon combination. The result of the evidence taken before their Lordships' Committee was far from showing that the murders and crimes committed in Ireland had their source (as his noble Friend had inferred), or were supported in any way by the Catholic priest. In fact, the whole tenor of that evidence led to a directly opposite conclusion; for it was proved that they gave, to the best of their power, their assistance to the Government in preserving the peace. He hailed the step now taken as one of great and vital importance, and he hoped he should see those whom he now addressed live to carry out those measures which he believed to be necessary to a final and satisfactory settlement of those questions which now agitated Ireland, the result of which settlement, he was convinced, would be to establish the security of this great Empire.

The Earl of *Carnarvon* said: My noble Friend (Earl Hardwicke) has brought before your Lordships the state of our Colonial endowments, with reference to the support of the Roman Catholic priesthood; that system of Colonial arrangement which maintains in harmony those internal relations upon which the internal peace of States so much depends. But my right rev. Friend (the Bishop of London) who has addressed your Lordships with great ability in opposition to this measure, has argued that our Colonial arrangements are justified by considerations wholly inapplicable to the Bill before us. He tells us, my Lords, that in many of those Colonial possessions we are bound by solemn treaties, by treaties of capitulation, to support the Roman Catholic priesthood. It may be so, my Lords; but I tell this House that interests, however great, are not to be weighed in the balance with national morality; if we are really bound by solemn engagements to the maintenance of a sinful system, there is but one course which a great and moral country should pursue. Let us not violate our treaties, but let us abandon our interest in those possessions; let us give up Canada, let us give up Malta, let us give up the Mauritius, let us make any sacrifice of national advantage, but be not, my Lords, any longer parties to the continued burden of great national guilt. Is my right rev. Friend prepared to advocate this

policy, is he prepared to push his principles to this their only consistent end? Do not, I implore you, adopt one policy towards possessions which from political circumstances you must treat with consideration, and another, towards a country more at your mercy and control, and which should be bound by still nearer and dearer ties to every British heart. Do not, my Lords, deny to Ireland what you dared not refuse to Canada. Let it not be said that a sense of interest could warp the honest inflexibility of your principle of opposition to this measure—that honesty which, in my humble opinion, is its only real value. But the course which my noble Friends require your Lordships to pursue, would involve you in the most glaring inconsistency, not only with your Colonial policy, but with the arrangements which you have introduced into Ireland itself. You have sanctioned—nay, you have compelled the appointment of Roman Catholic chaplains in Irish gaols and workhouses; you have conferred upon them ample salaries, and yet you now maintain that the priests inculcate great and deadly error. Why, then, do my noble Friends recoil from the effect of their own principles? Why do they refrain a single hour from pressing upon the Legislature a repeal of these unholy arrangements? But they do not, and they will not adopt this course, and I will tell them why. Because, whatever may be their theoretical opinion, they have not practically the courage, or rather the harshness to say to the poor misguided being, perhaps under sentence of death, "You shall have no religious instruction in this most awful period of your life, when your last sands are running out, and you are about to appear before your offended God; you shall have no religious consolation, unless you will accept it in that new and unaccustomed form in which I will give it you." My noble Friends, therefore, cannot act up to the principles they profess; they may be zealous, but they cannot be consistent champions of the cause they maintain. A right rev. Prelate, who addressed this House in a very different tone and temper from that which characterized the speech of my other right rev. Friend, dwelt in terms, I think, of most unbecoming harshness on the falsehood of the Roman Catholic religion. But upon what authority does that right rev. Prelate so dogmatically lay down what is religious truth, and what is vital religious error? Shall the line of demarcation drawn by the right rev. Prelate, be the only line accepted? It rarely falls to the lot of any man to inculcate truth pure and unmixed with error. I am sure it does not fall to the lot of that right rev. Prelate. I believe that the Church of England differs in its general spirit more widely from the Church of Scotland than from that of Rome; and yet we endow the Church of Scotland without a hesitating scruple, while with a strange inconsistency we contend against any additional relief being extended to the impoverished ministers of the Roman Catholic faith. Many men, my Lords, in the bosom of the Church of England, able and devoted men, are of opinion that the deep Calvinism of the Presbyterian Church is more prejudicial in its tendencies on human conduct, and more fraught with perilous misconception, than any tenet of the Church of Rome. Does the right rev. Prelate, who pronounces so hardily on what is religious truth and what religious falsehood, remember that in this very city in which we are now debating, the Tractarian and the man of the Evangelical school, hold on certain points, and on points of no slight importance, opinions diametrically opposed to each other? Absolute truth, my Lords, cannot dwell with both parties; truth unmixed with error probably dwells with none. Yet shall we upon this account entirely proscribe that mode of religious instruction which does not flow in the one particular channel to which we may have particularly pinned our faith? A noble Friend who spoke early in the debate, was of opinion that Roman Catholic doctrines were fraught with vital mischief in a spiritual point of view; and this I know is the predominant motive of his honest opposition. If I held this doctrine, I would, however, be more consistent than my noble Friend. I would not only oppose this Bill, but I would weary the Legislature with prayers for a total cessation of any grant. The sin, if sin there be, lies not in increasing the grant to 22,000*l.*, but in giving any grant at all. My noble Friend has told us that the Protestant spirit has been roused throughout the length and breadth of the land, by the promulgation of this Anti-Protestant principle. But, my Lords, this is no question of principle; it is a mere question of detail, a mere matter of amount of money. The Protestant thunders have slept over the impious principle of voting money for the support of the Roman Catholic priesthood at Maynooth, for the last fifty years. It were easy, my Lords, to rest my vote on a thousand reasons, based upon expediency, but I will not assign mo-

tives which only partially affect me. I vote in favour of this Bill, because I believe the Roman Catholic to be a true though not altogether a pure branch of the Christian faith; and because I believe that the good which it inculcates is out of all proportion to the error with which it is imbued. I believe, my Lords, that it contains the elements of saving truth; and having come to this conclusion, my course is clear before me—no doubt hangs heavy on my mind—I feel it my bounden duty to assist, as far my humble vote can go, in improving the character of that religious instruction which we cannot alter, and which, inferior in my humble opinion to that in which I have been born and bred, and in which I hope to die, still animates its votaries with high religious hope, imposes upon their passions restraints superior to those of the law, and will, I firmly believe, extend salvation — why should I scruple to use the word in a British House of Peers?—will extend salvation to the people who receive it with earnest and devoted hearts. If the noble Lord could establish—as he has vainly striven to do—that the question lies between the extension of the Roman Catholic faith and the increase of ours, between the Church of England and the Church of Rome, between what he might consider truth nearly unalloyed on one side, and truth clouded on the other, I could understand his feelings; but practically the question is between imperfect and inadequate Roman Catholic instruction on the one hand, and Roman Catholic instruction in a more perfect and sufficient shape on the other; between that which is good and that which is comparatively bad of the same quality and kind. But a noble Duke has argued that a Roman Catholic priest is more prejudicial to the community when highly educated, than when ignorant and unenlightened. With great respect for the noble Duke, this notion is absolutely abhorrent to my mind; for it proceeds upon the narrow and ungenerous, and, I think, utterly mistaken assumption, that a Roman Catholic priest can teach no good. I have lived in early life in countries where the doctrines of the Roman Catholic Church exercised an almost unlimited ascendancy over the public mind; and even in those countries where it is supposed to exist in the most dangerous plenitude of its authority, I cannot think that it deserves the harsh expressions with which it has been assailed to-night, or that it is entirely without that blessing from above, which the Protestant Dissenters of this country—judging by their petitions—would exclusively arrogate to themselves. But serious charges have been brought in this debate against the priesthood of Maynooth. The noble Earl who moved the Amendment overflows with kindly feeling towards the Roman Catholic peasantry of his native country, but seems by his language to forget that the priest is also a fellow countryman and an Irishman, and in those capacities entitled to some portion of his sympathy. I do not believe in the deep-seated disaffection to the British Crown among the clergy of Maynooth, which has been so much dwelt upon by the noble Lord. The Roman Catholic priesthood have been true to this country in all great emergencies. When the Presbyterians fanned the flame of rebellion, the Irish priesthood, as a body, stood fast by the Crown of England. When Napoleon Bonaparte made splendid offers to that body, those offers they nobly rejected. When our Empire was shaken to its base by the mutiny of the Nore, the priests were mainly instrumental in restoring the deluded Roman Catholic sailors to their lost allegiance; and I have been informed by a noble Lord—once high in Mr. Pitt's confidence, and with whom some of the noble Lords whom I now see were well acquainted—that Mr. Pitt acknowledged to the last day of his life the important services performed upon that occasion by the Roman Catholic priests. Let it also be remembered, that during the late memorable struggle in Canada, the Colonial priesthood forsook their flocks when they abandoned British interests, and adhered with undeviating fidelity to the cause of the mother country and the Crown. But if, my Lords, the noble opponents of this Bill have argued correctly in maintaining that the priests in Ireland have become disaffected, heart and soul, to British connexion, to what shall we attribute this change in their feeling? Why, my Lords, to the policy which has kept them so long in a state of strange anomaly and undeserved inferiority; there they are influential, but poor in a land where great revenues once belonged to their Church, idolized by the people, but too often looked down upon by the great, as this debate has unhappily shown. The very indifference manifested for their well-being, and even respectability, in the desolate and poverty-stricken establishment of Maynooth, might well convert the most ardent loyalty into coolness and utter alienation. Be just to them, my Lords, and they will be true to you. But a noble Duke has brought an accusa-

tion against the priesthood of a still graver character. The noble Earl has accused them of exciting political discontent, and keeping up political agitation; but the noble Duke has dwelt upon the injurious consequences arising from the immoral nature of the doctrines they propound. If we are severe, let us at least be just! I ask those noble Lords who are best acquainted with the internal condition of Ireland, whether private immorality has been the practical result of those doctrines? I do not feel by any means so sure that the calumniated priesthood of Ireland have failed in the greatest of their great requirements. I believe there is no country where reverence in religious matters is more widely diffused, where morals are more pure, or where among the population generally, the marriage vow is more hallowed than in Ireland. When the noble Duke attributed the agrarian outrages and general insubordination to the law which has so much afflicted that unhappy country to the direct influence—and if I understood him rightly to the positive connivance—of the priests, I was filled, indeed, with almost irrepressible astonishment. I have lived much in Roman Catholic countries, and I never heard such conduct attributed to the priesthood, even by the most determined enemies of their faith. The noble Duke has studied the history of Ireland to little purpose, if he can find no other and more satisfactory cause for that tendency to local and agrarian crime which has so long and so fatally characterized her population. Those evils are remote in their causes, but their effects remain, and cannot be eradicated in a day by the better principles and better governments of our time. Those outrages which the noble Duke imputes to the influence of the Roman Catholic priesthood originated, I grieve to say, in the guilty policy of our Protestant forefathers; and was the indirect result of that withering penal code which convicted the Governments that administered it of injustice—which deprived the law of all respect—which reared the subject in an habitual and almost hereditary hatred of the governing powers of the land, and perverted all the duties and poisoned all the social relations of life. The persecution of the Marian reign scarcely excites in my mind so much shame and sorrow as that persecution of a different but more systematic and cold-blooded character—that persecution more inexcusable, because, carried on in a far more instructed age—that persecution enforced after the Revolution of 1688, by statesmen tolerant in England, and supposed to be attached to civil liberty; but who rivetted on unhappy Ireland a code of laws which, in point of deliberate perversion of every sound and Christian feeling, is a wondrous proof of the extent to which party apprehensions and party passions can carry the minds of men not wholly indisposed to good. My Lords, it is time that a just and equal policy should blot out the bitter wrongs of centuries. I never thought that I should have heard again the old arguments touching the infallibility of Popes, and their power of deposing princes, renewed in this House; but the ghost has been again evoked. But do noble Lords forget that it was distinctly stated by the great Roman Catholic authorities, in their examination before the Commissioners appointed to inquire into the doctrines held at Maynooth, that papal infallibility applies only to what are termed dictates of essential morals, or to moral points of a general and immutable character: the papal power of deposing princes they utterly repudiated as inconsistent with their temporal allegiance to the Sovereign, and they supported this view of the case by the concurring opinion of all the late Italian canonists? Again, the doctrine which restricts salvation to members of the Roman Catholic Church was qualified, to a great extent, according to their statements, by exceptions and limitations which greatly modify that general proposition. But if the harshest view of the case is to be assumed from the letter of particular declarations, and not from their general spirit, might not charges of a very intolerant character be brought against the Church of England, the most tolerant Establishment in the world? I was reading only yesterday a homily in which positions are laid down, excluding from the pale of salvation every Roman Catholic as an idolater. Again, my Lords, the Athanasian creed, which is incorporated in our service—and which I must be understood as naming with respect—might be objected to as uncharitably involving the utter condemnation of every Arian, and indeed of every man entertaining opinions in the slightest degree at variance with those of the Established Church, touching the procession of persons and the equality of the Godhead. You allow our Church to modify the apparent harshness of particular positions by Christian explanations, and by the general tone and temper of our faith: why do you not mete out the same measure of justice to the Roman Catholics? Why will you not

permit them to place their own construction on their bulls, and councils, and decrees? I do not, for a moment, maintain that their own construction would please your Lordships; still it would most materially vary from that construction which noble Lords, acquainted only with their faith from the dislike in which they hold it, are determined that those bulls and councils and decrees shall bear. You assume that the Roman Catholics entertain the most monstrous errors of opinion, and you call for an inquiry. The inquiry is granted, and your charges are disproved; but in a short time the accusations are renewed with all their former vehemence; and when you are reminded that the refutation was recent and complete, you turn round and say, "Some centuries ago, the Roman Catholics held, as a dogma, that papal authority was infallible in matters temporal and spiritual, and that the papal fiat could depose the princes of the earth. The Catholic religion never changes; and therefore, as such was your opinion formerly, such must your opinion still remain, however much you may deny it; such was formerly, such, therefore, is, and such shall be, your opinion to the end of time." My Lords, it is impossible to contend against such a shifting battery as this. It has been observed by a noble Lord, that even if the first grant to Maynooth was justified by the state of Ireland in 1795, the conversion of that grant into a permanent endowment is not required by the circumstances of the present day; but I contend, that if the policy upon which the original grant was based was justifiable in 1795, that policy is far more necessary, and, indeed, even requires extension, in the present day. Since the College of Maynooth was established, the Roman Catholic population has increased in Ireland from three to six millions; and in point of intelligence, independence, and vigour of thought and action, the advance has been still greater. Look at the state of the Irish Bar—look at the state of the Irish Bench. Look at the House of Commons, where some of its most gifted Members are of that persuasion. Look nearer home, my Lords, where the Roman Catholic nobles—no longer, thank God! excluded from their birthright in this House—participate, on equal terms and with equal activity, in the transaction of the general business of the country. Some years ago, you gave their Commons representation in the Legislature, and consequently, solid power; last year, you conferred upon their Prelates precedence and rank. Can you, then, suppose that when the whole of Roman Catholic Ireland is thus on the advance, it is a wise or even a practicable policy to keep the working Roman Catholic clergy of that country, in the midst of this great onward movement, degraded and depressed? Do what you will, those priests whom you so much depreciate are, and must remain, the spiritual guides of millions of your countrymen. The practical question for you, my Lords, to consider, is this—will you conciliate, or will you alienate, men who can wield such formidable influence for good or for evil? Will you have them fanatic, or well instructed—with you, or against you—attached, or hostile, to British connexion? The noble Earl has told us that this attempt to conciliate the priesthood will not succeed; and in support of this position, he has adverted to the recent language of a Roman Catholic dignitary with reference to the present measure. But I have yet to learn that because one man makes use of injudicious language, a whole nation will therefore be ungrateful. It has been observed, that this measure is calculated to endanger the Protestant Church and faith in Ireland. I confess, my Lords, that if our faith could be shaken by an act of charity, by the mere breath of toleration and love, it would be valueless in my eyes; because I should then be well convinced that it had no inherent strength—that it was not of God, but of man. But though our faith may rest on a rock, the Protestant Church of Ireland may stand on looser foundations. I do not mean to say this measure will directly advance the cause of Protestantism. I do not think it will; but this I say, that if, with the growing numbers, growing intelligence, and growing power of the Roman Catholic world in Ireland, we refuse them that religious instruction which is nearest and dearest to their hearts, we shall accumulate a mass of jealousy and hatred against that Protestant Church Establishment, which, strongly as we are bound to defend it, is still, I will not say the weakest, but the most anomalous, and consequently, in the unhappy temper of the present times, the most endangered part of our Irish polity. But it has been argued that this measure is likely to impede the work of Protestant Reformation in Ireland. I confess, my Lords, that I regard as visionary the hope of inducing any large portion of the Roman Catholic population of Ireland to renounce their ancient faith. If this object could ever be even partially effected, it

could only be effected by conciliation and generations of kindly rule; it cannot, I am sure, be effected by harshly telling the people of Ireland, that we their masters consider it our bounden duty to resist every measure which will confer a better character on that only kind of spiritual instruction which they can conscientiously accept, and that we will stint them as far as we can in the very amount of that spiritual instruction to which the poor Irishman clings as his best support in his painful path through life, and which sheds peace—and, I believe, not a false peace—upon his bed of death. Shall we then, my Lords, adopt such an ungenerous policy in the stern, though visionary, hope of ultimately forcing a people into the adoption of a faith from which they dissent? If the British Parliament should actually adopt these views, however much I might regret a Repeal of the Union as seriously prejudicial to the interests of both countries, I should yet feel that a Legislature which considered itself bound to oppose, on religious principle, the religious feelings of millions of their countrymen, however well adapted to Protestant England, had become unfitted by their strong, though honest, prepossessions to govern Roman Catholic Ireland, and could no longer legislate with advantage for a people with whom they could not sympathize. But, how can a line of demarcation be drawn? it has been asked. On what principle can we fairly establish a difference in meting out the public money between the Roman Catholics of Ireland and the Free Church of Scotland, and others who dissent from the Established Church? On every plea, I say, my Lords, which expediency recommends—on every ground which justice sanctions. In Ireland, the people have not seceded from their Church, but their Church has been torn from them; and at the present time not a minority, not an equality in point of numbers, but an overwhelming majority of the nation, remain profoundly attached to their early faith. But the noble Earl who moved the Amendment has told us that this measure was not required by any party, and will produce no practical good. So thought not those who are best acquainted with the practical grievances of Roman Catholic Ireland—the Roman Catholic prelates of that country. When I read their statement—that memorial to which my noble Friend (Earl St. Germans) has adverted in his able speech, when I became acquainted with the miserable details of poverty which attach to the institution of Maynooth—when I found that two or three students were compelled to sleep in the same bed from want of accommodation; that actually term time was frequently broken up from the want of funds to purchase the provisions necessary to keep body and soul together—when I saw that studies intended to elevate the character and improve the minds of the priesthood were in consequence suspended, and in this manner the object of the institution practically defeated — and more than all, when I learnt that many of the parishes in Ireland remain without pastors in consequence of the defective arrangements resulting from this miserable state of penury, I sickened at the notion that such a condition of things could have been so long tolerated by this really generous country, and I warmly concurred in the intended measure of the Government. This country may be for a season deluded by its prejudices; but, I believe, that it will ultimately awake to a sense of the propriety of this measure. Public opinion is often, I think, in England, mistaken in the direction it first takes on public questions, but it is generally fair and right in the long run. But the noble Earl who moved the Amendment spoke of fear. He spoke of the Government as being acted upon by fear in bringing forward this measure. The Ministers of the Crown can defend themselves; and will, I doubt not, reply to this observation of the noble Earl; but I would distinctly ask him to what he refers? Fear of whom, and fear of what? Does the noble Earl advert to distant clouds in the western hemisphere? If so, I should have thought that any apprehension in that quarter would have been tranquillized by the statement of Her Majesty's Ministers on a recent occasion, that while this country would continue to treat the rights of other States with almost religious exactness, it would still maintain inviolate, at all costs and at every hazard, the honour and interests of Great Britain. Does the noble Earl advert to an apprehension on the part of the Government of some ebullition of political discontent in Ireland? Never was such an apprehension less likely to operate on the minds of men. The majesty of the law had just been vindicated; those monster meetings which carried terror into the hearts of the Protestant population had just been suppressed; law may indeed have technically faded in one memorable instance, but the spirit of law was yet triumphant! A happy conjuncture of circumstances rendered the time pecu-

liarly well chosen for the adoption of this measure. We have, at the present moment, as Lord Lieutenant of Ireland Lord Heytesbury, a man of great conciliation and great sagacity, as those are well aware who have lived in countries where he served his Sovereign with undeviating fidelity, and with that talent and address which were never wanting even under circumstances of almost unexampled difficulty. Never was a wiser or more fortunate appointment made. The noble Earl spoke of idolatry as connected with the Roman Catholic religion; and the words idolatry and idolaters flowed very glibly from the lips of one right rev. Prelate. These, my Lords, are hard words, particularly when uttered in the presence of noble individuals who must acutely feel these aspersions on their faith. But I do not object to this language only because it is unnecessarily uncourteous, but because I think it incorrect and unjust. I cannot admit that the charge of idolatry attaches to educated and enlightened Roman Catholics. That right rev. Prelate has revelled in the still vaguer charges of Roman Catholic bigotry and superstition; but let me ask him, is there no bigotry but the bigotry of the Roman Catholics? Is there no bigotry in Protestant legislators now? Was there no Protestant bigotry in the days of Titus Oates, when this nation lent a ready ear to accusations which doomed the high, the noble, and the innocent to a shameful and unmerited death? Was there no bigotry in that Protestant population which, almost in our recollection, filled London with fire and terror, and was led to the work of devastation by the scion of one of the noblest houses of Protestant England? The fierce, intractable, undisciplined spirit which grew up with the Reformation, and was the evil genius of a movement intrinsically good, survives in the intolerant petitions which crowd the Table of your Lordships' House to-day. It was my lot, my Lords, in early life, during the Spanish civil wars, to mingle with the rude uneducated soldiers of the faith—children of the Inquisition as they were called—and with the priesthood who directed them; but yet I never heard, even in moments of the fiercest excitement, expressions half so uncharitable to our faith as those which, week after week, have been lavished upon the Roman Catholics by the respectable and enlightened Protestant Dissenters of my country. I cannot, my Lords, contrast their intemperate language at many of our public meetings with the calm, forgiving, and dignified tone, adopted by the Roman Catholic gentry on a recent occasion, without feelings of mingled shame and sorrow. I do not intend to speak disrespectfully of any class of my countrymen in using these expressions; but I do sincerely regret the course pursued upon this occasion by many dissenting bodies in this country. Thank God! the clergy of the Established Church have, generally speaking, remained during the whole of this crisis tolerant and tranquil. I have trespassed for a long time upon the attention of the House. I have only one or two concluding observations to make. The great movement which took place in county Clare, as far back as 1828, and which announced even before the Ministerial fiat had gone forth, that exclusive power had already passed away from a respectable and once most influential party, and that the reign of Roman Catholic disabilities were virtually at an end, were not to my mind more full of prophecy, than are the events which have occurred in Ireland within the last two or three years—events which convince me that we can no longer stand with safety on the beaten track. The Government has been anxious, I believe, to promote the interests of Ireland; but this anxiety has not sufficed to produce political calm. I am sure that no Government can henceforth calculate upon a single hour of settled peace in Ireland—a single hour of assured safety for the Protestant institutions of that country, unless we confer practical remedies where practical grievances are felt, unless we mitigate by the consideration of our general treatment, a sense in the Irish mind of those anomalies in our institutions, the existence of which we may regret, but which in my humble opinion it would be equally wrong and perilous to assail; unless, in short, we walk hand in hand, at least as far as we safely can, not only with Irish interests, but with Irish sympathies. My Lords, I am no eulogist of the present or of any Government; there is indeed a portion of their Irish policy, a measure just introduced into Parliament from which I totally dissent, and to which I look with the utmost apprehension; still with reference to the Bill before us, I feel that a debt of gratitude is due to Her Majesty's Ministers. It is easy to bring forward measures fraught with popular inducements; but to propose a measure which will shake their popularity in the country, expose them to the misconstruction of enemies, and to that which is per-

haps more painful), the alienation of former friends, this is an ordeal which requires the exercise of a courageous honesty; and nothing, I conceive, can have induced the Ministers of the Crown to adopt a policy so detrimental to their immediate popularity, but an honourable determination to prefer the real and permanent interests of the country to prejudices however respectable, and to the clamour—I trust only the fleeting clamour—of the day.

The Earl of *Winchilsea* said, since he had had the honour of a seat in that House, he had never risen to address their Lordships under the influence of more painful feelings than he did upon the present occasion; for this night he found himself diametrically opposed to the leaders of that political party with which he had been so long connected, and to whom, entertaining the most sanguine expectations from their declarations, he had, when they took office, given his unqualified support. He found himself opposed to them on public grounds; and if this was a most painful situation for him to be placed in, how much more painful was it when he knew he should also be separated from many noble Lords, for whom he entertained the deepest respect, and with whom he had been connected by the strongest ties of human friendship! He found himself opposed to them on a question deeply affecting the great interests of this country; and he hoped and trusted, and fervently prayed, that the result of this night might not produce those heartfelt regrets, which he could testify some noble Friends of his had carried with them to the grave, who had supported, in 1829, that measure which had shivered their party to the winds, as this would do. The predictions respecting that measure had been verified to the letter; he was against it then, and he was of that opinion now; and fervently did he hope that, when noble Lords looked back hereafter to the votes they would give that night, they would be saved from that remorse, bitter indeed, which some noble Lords would have given the world to be free from. This was a question, which from the bottom of his heart and soul he believed, if their Lordships gave their assent to it, would prove in the result an act of the greatest national suicide ever committed by any civilized country since the world had been called into existence. It was the question of the endowment of a Roman Catholic Church in a Protestant country for the first time since any nation had cast off the yoke of Rome. It was a question of great and vital importance to this great Protestant country; and he only stated this—that if he thought that this concession of principle would tend to the pacification of Ireland, he would endeavour to bring his mind, if he could, to support this measure. But it was impossible—if we, as a Protestant country, acted upon the principles which our ancestors professed, who, acting on sound wisdom and sounder religious principles, placed us upon the rock of Protestantism—that we could, as Protestants, abandon that position. Some noble Lords might sincerely ask, "What is Protestantism?" He would answer, not that "ideal thing" that it had been described by a late Member of Her Majesty's Government, from whom England had expected great things, but who had supported this measure by a speech so mystified by casuistry and jesuitical reasoning, that he, after most frequent and earnest perusal of it, had come to the conclusion, that that right hon. Gentleman must have been educated at some seminary of Jesuits. He would tell what Protestantism was. It was our national Christianity; it was the religion of the Bible; it was the religion which our Lord and Saviour bequeathed to us as the first and most invaluable of all earthly possessions, the most sacred of all religious trusts. Then it had been asked, "What has Protestantism done for England?" It was, in the first place, the foundation of our long-cherished civil and religious liberty. Secondly, it was the foundation of that openness and honesty of character, and of those moral virtues, which had elevated our nation above every other on the face of the globe, which had proved the foundation of English greatness, and of our unparalleled Empire. England's greatness had proved the truth of God's unerring word, that nations which upheld his honour and glory he will uphold. He had on another occasion drawn their Lordships' attention to the strong distinction between the Members of the Gallican Church and those of the Ultramontane Church; and he had said he could with safety make concessions to those members of the Church of Rome by whom he saw himself surrounded, and for whom he did not feel anything but Christian kindness. He protested, however, against this measure, in the name of the great body of the Protestants of this country, amongst whom it had excited stronger and more irritated feelings than had ever been shown at any

period of our history. Their Table groaned under the petitions of the people against this Bill. In the other House of Parliament the number of petitions received had been 11,000, and they had been signed by between 1,300,000 and 1,500,000 persons. He protested against the measure, on the ground that it would be an act of national sin against God, to pass a Bill for the endowment of a Church which the majority, at least, of their Lordships had declared that they believed to be idolatrous and superstitious. There were, in fact, three distinct grounds on which he felt bound to protest against this measure. The first was, that it was a national endowment of the Church of Rome. He knew it had been said that it was a mental delusion, or a mere quibble, to treat this Bill as though the proposed alteration in the grant was an alteration in the principle upon which it was made; but, with all humility, he must declare that in his opinion it would be a downright absurdity to consider it in any other light. Another ground on which he opposed the measure was, that it was in direct opposition to the oath which the Sovereign took when she ascended the Throne of this great Protestant Empire. Although he did not rise with the noble Duke (the Duke of Newcastle) to refer to that subject at the commencement of the discussion, yet he entertained a very strong feeling that before so great a change was proposed to be made in the constitution of the country, the Ministers of the Crown ought, in the first instance, to have obtained the approbation and consent of their Sovereign. The third ground on which he protested against the Bill was, that there were certain opinions and principles inculcated and taught in the College of Maynooth which were antisocial, disloyal, and intolerant. He could not but remark that the grant, when originally made, was not intended to be perpetual. Any one who looked into the Parliamentary documents of 1798, would find that the Government of that day had the greatest difficulty in getting the grant conceded in the Irish Parliament three years after it was first carried. With reference to the tenets taught at Maynooth, he must say, that if in any College in this country he found only the works of authors who held Unitarian doctrines, he would naturally come to the conclusion that that establishment was devoted to the teaching of those particular doctrines. He would not refer at any length to the works used at Maynooth, but there were one or two to which he would shortly advert. Their Lordships would all agree that the welfare and even the existence of society, the security of life and property, the safety of the Throne, depended on the sacredness and inviolability of an oath. If any person took an oath with a mental reservation, he believed there was not a Protestant in the Empire who would not consider him to be guilty of gross perjury. Now Bailly, who was the author of a Maynooth class book, said, at p. 125, vol. ii., that vows and oaths were of equal consideration. In this their Lordships would agree with him. He then went on to say, however, that there existed in the Church a power to dispense with vows and oaths; and that this power was expedient, nay, necessary for the common good of the people; since that which was in the first instance better and more salutary, might become less good and less salutary. He then mentioned, as just causes of dispensing with an oath, the honour of God and the utility of the Church. It had been denied that the College of Maynooth was a Jesuitical establishment. But who was this Bailly, whose work on moral theology was shown by public documents to be a standard class book at Maynooth? He was, it appeared, a French ecclesiastic. For twenty-five years he was Professor of Theology in the College of Dijon; and during the time of Napoleon his works were actually prohibited from being read in seminaries of the Church, because they were tainted with the principles of Ignatius Loyola. If such were the antisocial, disloyal, and intolerant principles in which the priesthood of the Ultramontane Church in Ireland were educated in Maynooth College, and if the same principles were instilled into the breasts of the great body of the Roman Catholic body over whom they had spiritual charge, when they left that College, could their Lordships wonder at the distraction, disloyalty, and disaffection to the Protestant Monarch and the Protestant laws and Government of this country, which had, for a period reaching beyond the memory of man, characterized the great body of Roman Catholic subjects in Ireland? It had been contended that this grant of 30,000*l.* a year would totally alter the character of the principles inculcated in this College, and that they would become more liberal and enlightened. What security had they, after surrendering all power of inspection and inquiry, that such would be the result? His own

belief was, that the present state of things would continue. If the Catholics conscientiously adhered to these opinions, a mere money consideration would surely not induce them to alter them. If he himself held a conscientious opinion, neither 26,000*l.* nor 100,000*l.* would be sufficient to effect a change in his mind; and he thought it was precisely so with the Catholics of Ireland. Whilst France was doing all in her power to prevent the education of the people from falling into the hands of the priests, we were, on the other hand, doing everything to put it into their hands. A greater delusion could not fall upon that House, than that under which it might sanction such a measure as this. The noble Earl then quoted extracts from a Catholic gentleman, the author of "Catholicism in Austria," to show that the monks were constantly in the habit of keeping up a foreign correspondence, and that they paid more obedience to their foreign superiors than to those who had the immediate supervision of them. He could not, acting conscientiously with the duty which he owed to his God, support a system of education which inculcated such principles as those which were taught at Maynooth; and it appeared to him to be downright insanity in the Government of this country to propose such a measure as this; for the obnoxious opinions to which he had alluded would continue to be inculcated in the College which they were now preparing to endow. The Government, instead of this, should, as a right rev. Prelate had urged last night, act up to its duty, without fearing for the result. No country which abandoned its duty, and was guilty of a sacrifice of principle, could reasonably expect to escape the punishment which such culpable conduct was certain to entail upon it. He would raise his voice to the very last against this measure, and he would fight it out. Let not the lofty mitre be unfaithful to its high trust; let not right rev. Prelates abandon the sacred duty which they were now called upon to perform; let them not desert the Church, of which they were the honoured heads, in this the hour of its danger and distress. How could they, or any of them, support a measure of this kind without justly forfeiting the respect and esteem of the great body of the Church of this country? He would join with the right rev. Prelate who had last spoken, and say, that rather than see the disgusting spectacle of a State endowment of two Churches, he would raise his voice for a severance of the Established Church from the State; nor would he cease his efforts until he had effected it. This was a bold declaration, and their Lordships might consider it so. Let not the glittering star, or the tempting ribbon, or the highsounding title, cajole or deceive any noble Lord into a favourable vote that night. He feared that many of those who would vote for the Bill would yet carry a feeling of bitter remorse with them to the grave. The question could not rest here. The Protestant feeling of England was so strong that it could not so rest. This was a direct endowment of the Roman Catholic Church. Other measures would follow—were sure to follow. They were to have bit-by-bit legislation, administered in successive doses, as the quack administered his nostrums to conceal the extent to which he had dosed the unconscious and unhappy patient. No outbreak would ensue in Ireland from withholding this measure, but he would not answer for what might be the consequences in England of passing it. He hoped that every noble Lord who agreed with him on this momentous question, would join with him in controlling and regulating that deep and pervading feeling which the proposal of this measure had excited in the Protestant mind of England.

The Marquess of *Normanby* said, that to all that the noble Earl had said as to his own strong feeling upon the measure then before their Lordships, he gave the most implicit belief. But before he briefly adverted to some of the remarks of the noble Earl, he must say, that there was nothing in the noble Earl's speech which precluded him from putting this question to their Lordships, how was it that from the noble Earl opposite (the Earl of Roden), who had led the opposition to this measure, down to the noble Earl who had just spoken, not one single person who had spoken on that side of the question had addressed himself to the fact—so clearly, so concisely, and so conclusively alluded to by the noble Duke in moving the second reading—that their Lordships were legislating for six millions of Catholics; for a nation seven-eighths of whose people were Catholics; to which the noble Duke most justly and tersely added, that their Lordships could not avoid, that they, the majority of the Irish people, would continue Catholics? No one could argue this question in a statesmanlike manner, if he

allowed his mind to be swayed from that fact. As to much of what had been stated by the noble Earl, he felt it unnecessary to trouble their Lordships in answer. He paid the greatest respect to the religious feelings with which the noble Earl had addressed their Lordships; but when the noble Earl said that he felt himself obliged to part politically from those to whom he had been attached, he could not but remind him of the very next sentence in his speech, which brought to his recollection that this was not the first time that the noble Earl had been so obliged to separate himself. The noble Earl stated that, in 1829, the party to which he belonged was shivered to atoms. But those entrusted with the conduct of the affairs of this kingdom were obliged to be guided by practical considerations. The noble Earl, therefore, found those with whom he was associated, and who were entrusted with the affairs of this country, under the painful obligation of differing from him on this great and important question. The noble Earl asked what was Protestantism? and seemed afraid that he should meet with some flippant reply. Not so from him. As to what the noble Earl said with regard to the benefits which Protestantism had conferred on this country, with every word which he uttered upon this point, he (the Marquess of Normanby) cordially concurred. More than that, he was prepared to say, that, so far as they could, they should do all in their power, consistently with other obligations, to strengthen that system of religion. He might here allude to the humble part which he himself had taken in protecting those, in a distant dependency of this country, who were endeavouring to spread Protestantism among the negroes in Jamaica. The noble Earl seemed to identify our Colonial Empire with the exclusive maintenance of the Protestant religion. The exigencies of our Colonial Empire might sometimes oblige them to do that which might not always seem strictly accordant with Protestant or Christian principles; and he must remind their Lordships, that in India there existed a religion endowed by the State which was not even Christian. He said the noble Earl's argument completely failed, when he attempted to connect the extent of our Colonial Empire and the magnitude of our dominions with the exclusive maintenance of Protestantism; and, therefore, he said also, that although Protestantism had done well for England, it did not do well for Ireland. And why? Because it had been found impossible, notwithstanding the efforts of three centuries, notwithstanding all the powers of the Legislature, and all the rigour, and sometimes the violence of the Executive, to force it upon the unwilling minds of the people. He, therefore, limited the benefit conferred by Protestantism to those parts of the Empire where it was the religion of the great majority of the people. As to what were called the Ultramontane doctrines of the Roman Catholics as to the Oath of Allegiance —the noble Lord stated it as if it proved that the Ultramontane doctrines formed the creed and practice of Maynooth. This was distinctly denied, and he believed the very reverse to be the truth. The noble Lord then entered into an analysis of oaths and vows, which he considered to be the same thing. Certainly, if the oath were of the same nature as the vow, they were the same; but though there was a power of dispensation for vows made in respect to religious observances, there was a distinct and positive denial that any such dispensing power existed in the case of the Oath of Allegiance. He would beg to read to their Lordships—although he was always unwilling to trouble them with documents—a few words of evidence given on the occasion to which the noble Earl alluded, and from an authority to which he would, no doubt, be ready to defer. What he was going to quote, was stated by the Rev. Matthias Croly, who had been one of the Professors at Maynooth, but had renounced what were called the errors of Popery, and had become a Protestant clergyman. The noble Earl, therefore, would consider this as perfectly unsuspicious testimony.

"Did you teach that the power of the Pope was confined to spiritual things, and that he had no power in temporal matters?—I forget whether that question was discussed in our course of divinity while I was there. What was your own belief at that time upon that subject?—My belief was, that his power was confined to spirituals. What did you believe at that time with respect to oaths; did you believe that the Pope had the power to absolve you from an oath of allegiance taken to the Crown?—I did not. I took the Oath of Allegiance when I returned to the College of Maynooth a second time; and I declared, when I took that oath, that I did not believe that any power upon earth had any power to absolve me from it. Did you so believe at that

time?—I did. Was that the prevailing opinion at that time in the College, so far as you were acquainted with it?—I believe it was."

So far, then, from the noble Earl having redeemed his pledge, he thought he (the Marquess of Normanby) had, on his side, confirmed what had been said by a noble Lord (Lord Clifford of Chudleigh) so clearly last night, and which had not been contradicted by the noble Earl. A great deal of prejudice, he knew, had been excited with regard to the class books used at Maynooth. Now, he admitted that some of these books contained passages which he thought it would be better not to put into the hands of the pupils at such a seminary; but let their Lordships recollect there was no proof that the doctrines contained in them were taught, or that these particular parts of the books were submitted to the pupils. In these books, as in books of science, law, and on many other subjects, there might be parts which one would not wish to be exposed to the inspection of very young persons. We must judge of the tree by its fruits. [*Cheers from Lord Roden and other Peers.*] He accepted the cheer of the noble Earl opposite. He was aware that they differed on this and on many other points; but however they differed in political opinions, the noble Earl knew him to be a person who had taken great pains to inform himself on all these matters when in Ireland. He believed he could appeal to those of all political persuasions in their Lordships' House, that there were no complaints of the moral conduct of the young men who were instructed at Maynooth. As to those whom they were taught to instruct, was it not a fact that the Irish people possessed more than an average share of honesty, for instance? He believed he was speaking under the mark, when he stated, that of offences against property, there were 70 committed in England, for 30 in Ireland. And with respect to the Irish women of every degree, was it not notorious to the world that a race of women more exemplary in the discharge of all the domestic and social duties was not to be found on the face of the earth? Was it nothing, too—and this was coming one step nearer to the connexion between the habits of the people, and the religious instruction which they received—was it nothing that the Irish people had cured themselves of inveterate habits, and were at the present moment a most sober people? He believed that that reformation would have been neither so general nor so permanent, if it had not mixed up with their religious feelings and religious instruction. Before he left this part of the subject, he wished to read to their Lordships one of the rules in force at Maynooth. It was in these words:—

"Strenuam operam navato theologicus dogmaticus professor persuadeat sacrosancta fidei jura esse quæ Regiæ Majestati obligatos tenent, nulla vi extorqueri posse, nulla potestate resolvi."

Anything more clear than this, which was on the statutes of Maynooth, or more directly contrary to anything that could tend to teach absolution from the Oath of Allegiance, he thought he could not produce. Much had been said of the disloyalty of the Irish priests. He could truly declare that when he was connected with the Government in Ireland he had received on all occasions the most important assistance from that body in the discovery of crime; and not only in the discovery of crime, but these priests exercised their influence almost universally with beneficial effect in its prevention. As to violent language towards those opposed to them in religious opinions, it must be confessed that there was much to be regretted on that score on all sides in Ireland; and before he sat down, he was afraid he should have to convince their Lordships that such language, so uncharitable to those opposed to them, was not confined to Roman Catholic priests, but had been used by a Member of their Lordships' House, who now sat upon the right rev. Bench. In the circumstance referred to by the noble Earl, as having occurred at Dingle, he believed there might have been much to complain of in the manner in which the parties were treated. But a noble Duke, not now present (the Duke of Manchester), had attempted to connect the priests and the hierarchy of Ireland with all the crime that was committed; he said that all the crime originated at their conferences—that the bishops settled at their annual meetings what was to be the fashionable crime, and the order of crime for the year; this was communicated to the priests, and that they inculcated it on the people. Anything more monstrous, or more utterly void of foundation, he had never heard, even in the most extraordinary paroxysms

of fanaticism. He was far from denying that the state of crime at present in Ireland was very formidable. From the Returns of the Constabulary for the last year, it appeared that serious offences in certain parts of Ireland had so operated upon the aggregate amount of crime, as to make it exceed that which had occurred for twelve or fourteen years before; and only this very morning he had been distressed by seeing an account of a collision between the police and the peasantry in Leitrim, in which the former at first had the advantage, but the people renewed the conflict, and drove the police from the spot. He attached no blame to the police for their general conduct. Nothing could be more effective than the police force of Ireland; and none could be more energetic in their efforts to repress crime. When the noble Duke attempted to connect the state of crime with the Roman Catholic priests, as if organized by them, he must express his humble opinion of the absurdity of such an argument. But there was a curious fact in the proof attempted by the noble Duke; for he had stopped at the year 1833, and begun again in the year 1845. Why had he omitted those years which had been the subject of an inquiry originated by the noble Earl opposite? The noble Earl had on a former occasion said that all the mischief was caused by the priests. "All this," he said, "must be put down—'*Delenda est Carthago.*'" That was the noble Earl's case; but what was the opinion of the Committee to which the subject was referred? They were of opinion that no body of men had ever used more energy for the repression of crime than the Roman Catholic priests had done during the period referred to; and this the noble Duke had omitted. He now came to a speech which he, in common with some of their Lordships, had heard last night—and he had never heard any speech with greater pain than that which had been addressed to their Lordships by a right rev. Prelate towards the close of the discussion. He had never heard a speech every passage and every word of which dealt more exclusively in a feeling of antagonism, and showed less sympathy for the millions of his countrymen, amongst whom the speaker had been elevated to the post which gave him the honour of a seat in their Lordships' House. He was not aware that it was necessary for him to follow that speech in detail; but he was anxious to make a few comments upon it early in the debate, while it was fresh in the recollection of those of their Lordships who had heard it. The right rev. Prelate was rather apt to deal in figures of speech. On the first occasion when he addressed the House, he made some allusion in a metaphor, which it was not easy to follow, about a "coach and horses." The danger of using these figures was, that their failure gave a tendency to ridicule, which he should be sorry to see indulged on an occasion of so much solemnity. Last night that right rev. Prelate spoke of a draught. He asked, would you recommend to others a draught which you would object to take yourself? Now, in the first place, the right rev. Prelate put himself in a position which he did not occupy. He was not the physician to prescribe the medicine; whether rightly or in error, the patient chose another physician; and the question was not whether you would recommend to him a draught which you would not take yourself, but whether you would allow the patient to apply for aid to the physician in whom he had confidence. The right rev. Prelate, in presenting a petition the other night, and pronouncing an eulogium upon the moral and professional character of the Protestant clergy of Ireland, in every word of which he was happy to be able sincerely to concur, had said that perhaps there might be some appointments of noble Lords opposite to him to which there might be some objection. He thought that when noble Lords on the Ministerial bench heard the torrent of intolerance which was poured into their ears, some feeling of regret must have crossed their minds for the indiscretion of one of their appointments in supplying the diocese to which the right rev. Prelate had been elevated. He thought a man of humbler spirit, of more enlightened mind, of more firm reliance on his own faith, and, at the same time, a more comprehensive charity for the conscientious faith of others, than the late Bishop Sandes could not exist; and to the end of his life one of the circumstances upon which he should reflect with the greatest satisfaction was, that it had been in his power to recommend to his Sovereign the elevation of Dr. Sandes to the See of Cashel. The right rev. Prelate succeeded him, and delivered a charge on his visita-

tion. He would read to the right rev. Prelate what was generally believed to be the substance of the charge delivered by him on that occasion. He was informed that, if necessary, what he was about to read would be verified upon oath.

The Bishop of *Cashel:* The charge I delivered was printed and published. Is it on the printed and published charge the noble Marquess is about to accuse me, or is it on some hearsay and garbled statement? [*Loud Cries of* "Hear, hear."]

The Marquess of *Normanby* said, he was informed that it was taken down by a person who was present. [*Renewed Cries of* "Hear, hear."]

The Bishop of *Cashel:* I printed and published my charge, and I am not accountable for any other version of it.

The Marquess of *Normanby* said, what he was about to read was what the right rev. Prelate was supposed to have said. It was in the following words:—

"That Satan, with all his ingenuity, never contrived a more diabolical system to estrange the souls of men than the Popish religion—that the breath of the Popish priests was contamination, and he warned those under his spiritual care to avoid them as much as possible, and keep to themselves; they should keep no Catholic servants, for the bad morals of those people should be avoided as a plague; they should also be more exclusive in their dealings. With regard to the national schools, he commanded his clergy to caution their flocks not to send their children to what were commonly called national schools, but which would more properly be called devil's schools."

The Bishop of *Cashel:* It may perhaps be irregular, but after such a charge as that which has been openly made against me, I must get up and answer it. I can only say, that from beginning to end the accusation is false and abominable. [*Vehement Cheers, particularly from the Episcopal Benches.*] And I must say, I think it a most discreditable thing that a noble Lord who has filled the office of Lord Lieutenant of Ireland, and who has had opportunities of making himself somewhat acquainted with the people of that country, should, when the charge has been printed, published, and circulated, have kept a document in his pocket sent him by some enemy. [*Immense cheering, in which the Bishop of Exeter joined with great energy.*] The charge I did deliver I shall have the honour of sending to his Lordship; and I hope it will disabuse him and open his eyes a little on the subject, and make him distrust a little those from whom he hears stories from Ireland. [*Loud Cheering.*] If it would not be trespassing too much on your Lordships, I would ask him to read some of that charge to your Lordships next time he is in want of a speech. [*Loud Cheers.*]

The Marquess of *Normanby* trusted he had extended every courtesy to the right rev. Prelate. [The Bishop of *Cashel* appeared to wish to proceed with his answer, but the Marquess of Normanby proceeded.] The right rev. Prelate was wrong in supposing he had had the document for a length of time. He had heard of the matter two years ago, but the words had been in his hands only since yesterday morning. He should now read, with the name of a Protestant clergyman who was present at the delivery of the charge, an account of its nature. As to the words he had referred to, he had no knowledge of them, but this letter came from the Rev. Mr. Mackesy, and was in reference to the charge delivered by the Bishop of Cashel in 1843.

The Earl of *Charleville* rose to order. He put it to their Lordships whether, after the disclaimer given by the right rev. Prelate of his having made use of any language but what was contained in the charge which he had printed, it was either customary or usual in their Lordships' House to attach to a Peer, a Member of that House, hearsay statements communicated to a noble Lord who had not given the authority upon which he was making them. The noble Lord had undoubtedly stated, in reference to this letter, that he was prepared to give his authority; but after the contradiction which the right rev. Prelate had given to the assertions *in toto,* he put it to their Lordships whether it was consistent with the custom, the usage, the practice, or the habit of debate in that House, to persist in statements which a Member of that House from his place asserted were not true.

The Marquess of *Normanby* said, in the first place, the noble Earl was wrong in his recollection. He was not aware that the right rev. Prelate had said that there was nothing in the charge but what he had printed.

The Bishop of *Cashel* said, he would send the noble Marquess the charge as it had been delivered.

The Marquess of *Normanby* said, if the right rev. Prelate would say that there was nothing in the charge as delivered that was

not contained in the printed one, he (the Marquess of Normanby) should say no more.

The Bishop of *Cashel* said, it was printed as completely *verbatim* as any publication of a speech could be. He did not say that every word was the same, but as far as he was capable of judging of an honest publication, it was that of the charge which he should send to the noble Marquess.

The Marquess of *Normanby* said, he should now proceed—and he was perfectly in order in doing so—to read to their Lordships the impression which had been made by the charge.

The Earl of *Winchilsea* said, he must really rise to order, and enter his decided protest against this course of proceeding. The noble Marquess referred to a public charge delivered by a bishop on subjects of great importance, and then he called upon them to hear the individual opinions of this man or that man. Where was this to end? The right rev. Prelate had declared, that the paper read contained a false representation of the charge delivered by him, and had offered to place the charge itself in the hands of the noble Marquess, and he hoped he would go no farther. If the noble Marquess considered what was due to himself, and to the character of their Lordships' House, he would not say a word more on the subject.

Here several Peers rose to order simultaneously.

The Marquess of *Lansdowne* obtained a hearing, and said that, after what had passed, there could not be the least doubt that it would be improper, and he was sure it was far from being the intention of his noble Friend, to state one word as having been used by the right rev. Prelate which he denied. What he understood his noble Friend to be about to do was to state—he had not the means of knowing what the statement was, for he had not yet seen it; but his noble Friend had distinctly stated his intention—and he was perfectly in order—to read the impression which had been produced upon an individual who heard the charge, and the general opinion entertained of the Prelate who pronounced it. This, he repeated, was perfectly in order. It had been done again and again in that House, and the opinions of various persons had been quoted in that House as to the state of Ireland as arising out of the conduct of those in authority there. The noble Earl (the Earl of Roden) had done it himself. In fact it had been done on both sides of the House, and there was not a shadow of objection to his noble Friend reading such a document as connected with his own views on the subject.

The Earl of *Winchilsea* said, that after what had occurred, he did not think it a fair or even a just course to a Peer, even bearing a lay, but especially a clerical character, to allow it to be read.

The Marquess of *Normanby* said, he should read the letter to which he referred, as the impression made upon the mind of a Protestant clergyman, who, at the visitation in question, had been censured by the right rev. Prelate for having visited a national school. [*Much confusion, and cries for order.*]

The Earl of *Wicklow* admitted, that the noble Marquess was not at all out of order; but it was for him to exercise his own discretion as to the fairness or propriety of his pursuing the subject, after having brought one of the strongest charges he had ever heard against the right rev. Prelate.

The Marquess of *Clanricarde* and several other Peers again rose to order.

The Marquess of *Normanby* was at length suffered to proceed. He said he should read the letter, putting altogether out of view the confirmation of the substance of the charge as derived from the impression of persons present. It was in these terms:—

"*Glebe House, Clashmore, May* 16, 1845.

"With regard to national education, the system was denounced by the Bishop of Cashel in the most decided terms. I shall not easily forget the painful position in which I stood at the visitation, when, after a ministry of nearly a quarter of a century, without a blemish on my character, and honoured with many strong testimonials (among them one from my late diocesan, Dr. Sandes), I was, for the first time in my life, subjected to the severe animadversions of my bishop, on account of my candid avowal of opinions favourable to national education. Amongst the whole assembled body of the clergy, I alone declared myself friendly to the system; and I was told by the bishop, that a Protestant clergyman could not, consistently with his duty, visit a national school, even for the purpose of seeing the rules carried out. I feel that my prospects of preferment have been blighted by the course I have pursued."

[*Loud cheers from the Ministerial side.*] Was it a matter of satisfaction to noble Lords that a clergyman whose character for thirty years was unimpeached, and who had testimonials from his late dio-

cesan, should, merely because he stated that he had been present at an examination of a school sanctioned by the Government of his country, and conducted on a system countenanced by the Parliament, receive a censure and reprehension which had never before been applied to any part of his conduct? [*Loud cries of* "Hear, hear," *from the Ministerial side.*] He was sorry to perceive by that cheer that there was an indication of the spirit which he regretted to see introduced in the diocese to which he alluded in other quarters also. The letter which he had in his hand went on to say—

"But I have the consolation of knowing that the national school established by me in this parish has been of infinite benefit, notwithstanding that I was told by the bishop he would prefer my having no school at all. Permit me to add, that I have the happiness of living on the most cordial terms with my Roman Catholic neighbours, and I feel proud to acknowledge that from Roman Catholics, both lay and clerical, I have ever experienced more kindness than I can express, and for which, I trust, I am not ungrateful.—Believe me, my dear Sir, yours most truly,

"WILLIAM MACKESY.

"Very Rev. Dr. Fogarty, V.G.
and P.P., Lismore."

Their Lordships would recollect that in the part of the country to which that letter referred, it was almost impossible to collect together a school consisting of others than Roman Catholics. The writer was the Rev. Mr. Mackesy, the Rector of Clashmore. The right rev. Prelate (the Bishop of Cashel) opposite had concluded his speech last night with a quotation through which he (the Marquess of Normanby) would not follow him. It was a quotation which he had himself described as too coarse to be introduced to their Lordships, and it certainly could not be said, that there was any excuse for that coarseness to be found in its applicability. The right rev. Prelate appeared, from his speech last night, to consider himself a sacrificed man; for he talked about crossing the Atlantic, of the sufferings of the Martyrs, and of being led to the stake like Cranmer. It appeared, however, notwithstanding the eloquent allusion of the right rev. Prelate to the sufferings of martyrdom, the only stake to which he had been tied as yet, was the See of Cashel; and the only martyrdom which he had suffered, was the sitting on that bench so near the noble Lords who were his benefactors, and who had placed him there. The noble Earl (the Earl of Roden) who had spoken last night on this subject, appeared to have rather an exaggerated idea as to the universal feeling of the Protestants of Ireland on the subject of this proposed grant—a fact which a letter that he had received from a clergyman in Ireland went very far to illustrate. The letter to which he had alluded was written by the Rev. Mr. Smith, Rector of Larne, a town three-fourths of the population of which were Protestants. Larne was, he might remark, one of the places from which a petition had been presented by the noble Earl opposite (the Earl of Roden) against the grant to Maynooth; and it did not appear that, so far as that town was concerned, there existed anything like the unanimous feeling of opposition to the grant which the noble Earl appeared to think characterized the Protestants of Ireland. The letter which he had received from Mr. Smith, contained a passage to the effect—that in the four parishes surrounding him, containing 12,000 persons, who were almost entirely Protestants, there was a complete absence of any strong feeling with regard to the measure, although a petition had been presented from that district against the Bill—[Earl of *Roden:* Hear, hear]; yet it contained but 200 signatures out of that population of 12,000. The noble Earl cheered the statement that a petition had been agreed to against Maynooth, but he had cheered too soon; for it appeared that there were but 200 signatures to that petition out of a population of 12,000, and that was a proportion which could not be said to indicate any very unanimous or decided feeling amongst the population of that part of the country against the grant.

The Earl of *Roden:* Is Mr. Smith a clergyman of the Church of England?

The Marquess of *Normanby* said, that Mr. Smith was a clergyman of the Church of England, being the Rector of Larne. He had received several other letters from different parts of Ireland, with which he would not on that occasion trouble their Lordships, as it was quite sufficient to state that their contents went to show that the statements which had been made, to the effect that there was a strong and unanimous feeling of opposition to this measure amongst the Irish Protestants, had been very greatly exaggerated. The noble Earl concluded his speech of last night with a

spirited appeal on the part of the Protestants of Ireland against what he called the "ungrateful conduct of the Government" to them. With that part of the subject it was not his (the Marquess of Normanby's) intention to mix himself up—he would leave the noble Earl to settle the question with the noble Lords who sat near him, as to whether they had raised expectations in their supporters, by their previous conduct, which had not since been answered; but he would admit, with the noble Earl, that the conduct of the noble Lords on the opposite bench, when they first came into office, and, above all, the appointment of the right rev. Prelate opposite (Bishop of Cashell), was not such as could be supposed to give any ground for the expectation that they would adopt the course which they had since taken. On that question he would, however, leave the noble Earl to deal with the noble Lords, as he must be the best able to form a judgment with respect to it. He did not wish to look upon the subject of these measures in any connexion with party feeling; and he should only say that it would have been very fortunate if they had been introduced some years back, when there could be no doubt of the perfect success of the measure, which he trusted their Lordships would pass to-night by a large majority. It would have been a great advantage to have introduced those measures at a period when they would have received so favourable a consideration, and before such a prejudice had been raised upon the subject in England—before the word "register" had been sent abroad in connexion with the exhibition of anti-Catholic feelings, or before a cry expressive of those feelings had been raised on the hustings and elsewhere. He was of opinion that it would have been better and more fortunate if such a message of peace had been sent to Ireland while the Repeal cry was dead in that country, and when the Irish people looked anxiously in expectation of a series of measures of justice to that country, which had been pointed at in the other House of Parliament, and in that by a noble Viscount not then in his place. The noble Duke last night had stated that it was more honourable to concede such a measure in a moment of strength on the part of authority, and when Repeal was weak. He (the Marquess of Normanby) sincerely wished that the Repeal cry in Ireland was as dead as the noble Duke supposed it to be; but on the very day on which the noble Duke had delivered the speech referring to the weakness of Repeal, it appeared by the papers that there took place what he, from his knowledge of the country, looked upon as a formidable demonstration of the desire, on the part of those who had taken part in continuing that agitation, to persevere in it, and that the weakness of the Repeal cry in Ireland was not so great as the noble Duke appeared to think. [The Duke of *Wellington:* I never said a word about it.] He said, that he was only repeating the substance of the speech delivered by the noble Duke, which was, that it was more honourable to give concessions at a time of strength on the part of the Government, and weakness on the part of the advocates of Repeal. He wished sincerely, that he could concur in the opinion of the noble Duke with respect to the decline of that cry; but when, after eighteen months had elapsed since the projected meeting at Clontarf had been prevented, and when, after that period had elapsed, he saw a more formidable and a more numerous meeting in the heart of Dublin than that meeting would have been had it taken place—when he saw that meeting organized, and deputations attending it from different parts of the country—however he might wish to agree in opinion with the noble Duke, he could not participate in it. Whether, however, that were the case or not, he would give the Government full credit for the present measures—he gave them credit from himself, and, he believed, he might say on the part of his noble Friends around him, for the introduction of such measures: he approved of them for the good which they were calculated to effect, without reference to the quarter from which they came; for, however much the previous conduct of the Government had contributed to their present difficulty, those measures were calculated to confer benefit upon the country; and so long as they held power for the good of the country, and used it only for that purpose, no other Government could receive with more sincerity the sincere, and he trusted efficient, support which they gave to a system which they believed to be eminently calculated to improve the condition and maintain the integrity of the country.

The Duke of *Wellington* said, the House must permit him to say one word. He

had not, in the speech to which the noble Marquess had alluded, said one syllable with respect to agitation, or the meeting in Dublin, of which he could have had, in fact, no knowledge at the time when he addressed their Lordships yesterday. What he did say was this: that no man, who saw this country, and saw the proceedings which had taken place in Ireland, could believe it possible by tumult and violence to force the Legislature of this great country to adopt the measure of a Repeal of the Legislative Union. That was the impression produced on his mind by the occurrences of the previous years, setting aside altogether the consideration of the effect produced by the decision of their Lordships in that House in the Appeal case, which had been before them in August and September last. That was his view; and he said, that in consequence of the course of events, during the preceding year, the Government was in strength—that authority was in strength in Ireland; and that the cause of Repeal was weak. He said not one word about agitation; for he knew well that no man could answer for the course of agitation, or as to what it might lead to from one day to another. He said what he knew to be true—that Government and authority were strong, and the Repeal cause was only upheld by a part of the Roman Catholics. He took care to guard himself in that too; for he stated, that many Roman Catholics were as much opposed to Repeal as any of their Lordships, and but few Protestants were Repealers, and as the Repeal cause was weak, they who were strong could not be suspected of acting from any views in bringing forward those measures other than those which they had avowed, and that they should take care even not to be suspected of persecuting those who were weak.

The Bishop of *Cashel* said, that he had never rebuked the Rev. Mr. Mackesy, at the visitation at Lismore; but the year after the visitation, the parish of Thurles was expected to become vacant, and Mr. Mackesy asked him (the Bishop of Cashel) to appoint him to it. To that he (the Bishop of Cashel) answered, that in giving preferments, he had a heavy responsibility imposed upon him, and that he would consider all the clergy of his diocese who were eligible to any spiritual office, whenever he was called on to use his spiritual power in that respect; but that no one of his clergy would ever find himself in a better situation in making his application, for expressing his approbation of himself.

The Archbishop of *Dublin* said, he had heard those who supported the Bill denounced in the strongest terms, as if all were latitudinarians who did not oppose the grant; and, as if every prelate who supported such a measure must necessarily be indifferent to his own religion, or indifferent to the Articles which he had subscribed. Amongst other statements which writers had made in treating this question, he had seen quoted something that he himself was alleged to have said in reference to the education which prevailed at the College of Maynooth. He did not, on that occasion, recollect whether he had said what was attributed to him by those writers or not. Perhaps he had; for with the education afforded at Maynooth, he had often expressed his dissatisfaction, and he knew that in some cases that education had been imperfect. It never occurred to him, however, up to the present time, that his opinion of its insufficiency was an argument against his consistency in now wishing it to be improved. He had had occasion, more than once, to examine students who had been educated at Maynooth, and had become converts to Protestantism, and who had applied to him either for preferment in the Established Church, or as tutors; and he found their education very insufficient and imperfect. That imperfection might, he admitted, be in each case the fault of the student himself; but from what he had heard of that College from several Roman Catholics, as well as from his own experience, he was of opinion that there was a deficiency in the education given at Maynooth—that it was not such as was sufficient to constitute such a degree of instruction as would be expected from a well-educated Roman Catholic. He spoke, however, of the insufficiency of the education at Maynooth. He did not mean to say anything against the professors for not bringing up the students as Protestants instead of Roman Catholics. That was not to be expected His object in supporting this measure was to obtain a better system of education—a more sufficient system—and he did not mean to say by that better education that he would be enabled to induce the Catholics to give up their pastors. They would

not do that so easily. They could not, by a legislative enactment, induce 6,000,000 of Roman Catholics to become Protestants; but they could, by a legislative enactment, establish a system, which would give them better pastors, It was said that by making this a perpetual grant, the Ministry gave another ground of objection; but so far from thinking its perpetuity an objection, he was of opinion that it was a recommendation, by affording a great check to the evil which arose from making this question a battle-field every year in Parliament, It was stated by many of those who opposed the measure, that the Government would have no check upon the system of education at the College after the permanence of the grant had been once established. Why, noble Lords who opposed the measure had told them, in the most earnest manner, and in the strongest terms, that the College, under the check which now exists, was a place where disloyalty, and error, and every sort of crime, were taught; that the Ultramontane doctrines were inculcated; and that all the evils which could flow from those doctrines were produced. It appeared, then, that hitherto the system pursued at the College was miserably deficient, and that in order to meet the views of those who complained so loudly and strenuously of that system, it was absolutely necessary to adopt a better plan, which would be done by supporting this measure. Noble Lords had complained of the education at Maynooth; but that was an argument in favour of the increased grant; for the mode in which to secure a more perfect education was by a more liberal endowment. He was in favour of this enlarged endowment; and he spoke not only for himself, but for a great number of his clergy, who, though they were not the most clamorous clergy, were not the least pious or devoted to the Church, and who did not consider it a proof of indifference to their own faith, to exhibit toleration to that of others. He knew many Roman Catholics whom he greatly respected, though they differed from him in religious opinion; and he respected many Protestants who also differed widely from him in opinion on matters connected with religion. For example, he respected those who thought that the State ought to dictate to the subjects what they were to believe, although he held such a doctrine as that to be altogether opposed to the Gospel. If the State were to dictate in such matters, and no religion were to be tolerated but that enjoined by the State, then in this country, where the Episcopal Church was the Established Church, many of the Dissenters ought to be put down as well as the Roman Catholics: so it would be seen that the Dissenters who used that argument against the Catholics, were cutting the ground from under their feet; for, according to such a doctrine, they would not be more deserving of toleration than the Roman Catholics. He dissented entirely, however, from such a doctrine; and he also dissented from the doctrine that called this a profession of the tenets which were taught at Maynooth. Let any member of the Established Church who used that argument carry it out fairly and manfully, and see what it would lead to. If that objection were to be successful against this grant to Maynooth, why should it not be urged with equal strength against the grants to Roman Catholic chaplains of gaols, and to all cases in which any Minister of the Roman Catholic Church was paid by the State funds? But they were asked, how could men who were opposed to the Roman Catholic doctrines go against their consciences? To that he would answer, that he could not see how any man's conscience could fairly object to 28,000*l.*, and have no qualm at 8,000*l.* or 9,000*l.* Now, as to the permanency of the grant, he would ask, would it have been possible for any Minister to stop it, without assigning a reason, out of mere caprice. No Minister would have dared to do so. Then, with respect to this part of the measure, all the difference was, that the grant was not to be brought annually before Parliament; but if it should be afterwards found that bad principles—that inimical principles—were taught, surely it would be then for Parliament to retrace its steps. If good reasons could be shown for doing so, any measure could be stopped at any time. Therefore, he could not see that there was a question of principle between this and the former measure. A question of political wisdom and expediency there might be. He respected the motives of many who had opposed this grant for many years; but he thought it probable that many of the petitioners against the present measure had never heard of the grant until the present time. He must complain, however, of the opponents of

this measure calling upon the clergy and the bishops to oppose it also on the ground of the sacred vow which they had taken. He trusted that he had as strong a sense of the sacredness of the vow he had taken as any man had; but he did not think it fair or just that he should be denounced, because he did not interpret it in the same way that others did. He had solemnly vowed "with all faithful diligence to banish and drive away all strange and erroneous doctrines which were contrary to God's word." But there were different ways of driving out strange doctrines. How was he to drive them out? By secular coercion, by penal laws, by the bayonet? Was the religion of Him, who forbade his followers to draw the sword in his defence, to be supported by those means? If they were, he would sooner renounce the office he held, he would sooner renounce his profession—nay, he would renounce his religion, if it taught such a course, and draw his sustenance, if necessary, from the humblest manual toil. How were they to drive out such doctrine? Was it in the manner that had been adopted by Ferdinand and Isabella in Spain, by driving away its professors. He would drive away strange and erroneous doctrine from his own Church—he would oppose those who would introduce strange doctrine into the Established Church. With all due respect to the right rev. body of which he was a member, he trusted he might say that no one could more assiduously and zealously exert himself than he had done to drive out what appeared to him to be strange doctrines from the Church. He had wished properly to respect and tolerate others who differed from him, and over whom he claimed no jurisdiction; but those who called for his reprobation and censure were they who appeared to advocate doctrines inconsistent with the Church, and who held the principles of one Church, and the emoluments of another. As for those who were not of his own communion, he claimed no authority over them, as he said before; but he had written, and spoken, and published, he trusted in the spirit of meekness and gentleness, and of Christian candour and frankness, his opinions of their tenets; and he was happy to say, that with many of those he lived on terms of personal friendship; and though they did not agree with him, they felt no resentment at his having, as the Apostle says, and he hoped in the spirit of the Apostle, "in meekness instructed those that opposed themselves." The only other question which remained was not a question of principle, but of (he must speak the word) expediency. He knew it was an awful sounding word. It had been rung in their ears for thirteen years past; and it always appeared to be a word of ill omen. But if it was allowable for them to abstain from enforcing their own religion on others, and to set apart some portion of the public money towards the education of those who were not of the same persuasion as themselves—towards giving them the best education they could receive—if it was allowable, not as a question of absolute right or principle, then it must be one of expediency. He wished, in the first place, to separate it from a question with which it had been confounded. He heard a great deal of the influences and impropriety, and ungodliness of giving money to support what they believed to be error. He believed the word "giving" or "granting" money confused the minds of many men. But it was not a question of giving; the money was not theirs to give, it belonged to the nation. He meant that the money was not theirs as Protestants. Even if a man of known liberality and bountiful munificence were called upon to contribute to a Roman Catholic chapel, and declined to do so because he conscientiously objected to maintain or to promote that which he considered to be error, whether justified or not justified in so declining, he (the Archbishop of Dublin) would not say—still he would be justified in supporting this measure; because in the one case it was his own money he was called upon to contribute, and in the other the money was the money of the nation. They might talk as they pleased of a Protestant nation; but there were 6,000,000 of Roman Catholics in the country, whom it would be vain to tell that they were no part of the nation, and who did contribute out of their own purses to the national funds. The money being the money of the nation, it was for the Legislature to consider how it could be best laid out for the benefit of the nation. He was not saying that every claim that was advanced should be acceded to. But this was not a claim upon their private purses, nor upon Protestant funds; but it was a claim upon the funds of the nation, of which the claimants were a portion, and upon whose property they had a claim. With respect to considerations of expediency, he must pro-

test against the outcry that was raised against that word. It was commonly asserted that expediency was opposed to principle. It was said that they were going upon suggestions of expediency. He for one was content to take that responsibility upon himself. He professed himself to be a votary of expediency; and he did not see what business any one had in that House who was not one. He did not mean personal expediency—or the expediency of a class or an interest, an expediency which would cause those belonging to any interest to think of nothing but themselves; but another expediency, which could not be called ungodly, for it was contained in the prayer of the Church for the Houses of Parliament, that the Lord "would be pleased to direct and prosper all their consultations for the safety, honour, and welfare of the Sovereign and her dominions, that all things might be so ordered and settled by their endeavours upon the surest foundation." If that was not political expediency, he did not know what it was. It was said by those who brought forward this cry of expediency, that expediency might be opposed to principle and duty; but he maintained that expediency could not be opposed to principle and duty. It was a question of expediency in what branch of trade a man might choose to invest his capital; but it could not be a question of expediency as to whether a man should be dishonest or not. If any man supposed that expediency and duty might be at variance, he should wish to hear his proofs. He should be glad if those who condemned expediency, and asserted that it frequently drew men from the path of duty, would say what they really meant. He held such expediency in abhorrence, for it was a false expediency, a pretended expediency. He could not place any confidence in the man who would declaim against virtue, while in fact, he meant only the simulation of it, false virtue, hypocrisy; nor in the man who condemned the use of coin, meaning only counterfeit coin. That which bore only the semblance and pretence of expediency was not the expediency which he supported. Following out, then, the course of real and true expediency, although they might be unable to remedy the greatest evils under which Ireland laboured, they might introduce some amel oration by improving the system of education, by giving more learning, more literature, better science, greater taste, and more gentlemanlike habits to those who were to teach 6,000,000 of their fellow subjects, and who were Roman Catholics, and would continue so in spite of legislation and penal laws. An argument had been advanced, not so much in that House as in various papers and pamphlets, to the effect that this measure was not worthy of support, nor likely to accomplish any good in Ireland, because the agitators of that country treated it with scorn and ingratitude, and did all they could to render it unpopular. The speeches made in opposition to it by some of the more active and notorious agitators in Ireland, were adduced as proofs that the people of Ireland, so far from receiving the proffered extension with gratitude or satisfaction, scorned and rejected it; and it was therefore at once set down that the measure would be as inefficient in practice as it was said to be objectionable in principle. Now, upon his mind, the speeches in question produced a very different effect —knowing, as he did, perfectly well, that any measure which was likely to tend to the pacification of Ireland, would be distasteful to those who made a trade of agitation—whose business it was to keep Ireland in a ferment; and would meet with their bitterest hostility. Persons not so well acquainted with Ireland as he was, might and did entertain a notion that the clamours, which, from their louder noise, must have reached their ears, were necessarily the voice of the whole Irish people. So long as a handful of men in Ireland were disposed for agitation, they would always find an agitator, and that agitator would always shout forth that he was the people of Ireland; but it did not at all follow that such was the case. Burke, referring to some noisy politicians, some brawling clamourers of his own time, who assumed to be the spokesmen of the whole nation, said, you might as well talk of the chirruping of a party of grasshoppers on a sunny bank as representing the voice of all the inhabitants of the field, when the burly oxen who were grazing over its broad surface were tranquilly silent. As little were the noisy politicians, the clamorous agitators of Ireland, entitled to call themselves her spokesmen, when they scorned and rejected, on the alleged behalf of her people, a measure calculated to do them so much good—a measure that was the more inestimable in reality, because it

was denied to be so by men who for their own profit dealt in the trade of agitation.

Lord *De Ros* briefly spoke in favour of the measure. He thanked the most rev. Prelate for having called back the attention of the House to the question for consideration. He and another noble Lord had heard the able and pious head of the College of Maynooth declare that he had been, and was still, opposed to the cause of Repeal. So much for the charge of disloyalty against it. And he could appeal to a noble relative as to the fact that the influence of the institution was exercised in the support and promotion of charitable purposes. If heretofore the students of that College were thought not to manifest much gratitude to the Government, it should be recollected how poorly they were provided for. His prayer was that all who called themselves Christians might be led and knit together in the bonds of peace; and believing that this measure was calculated to cement that bond of peace, he had great pleasure in giving it his cordial support.

The Bishop of Exeter and the Earl of Clancarty both rose to address the House; the noble Earl gave way, in deference to the apparent wish of the House.

The Bishop of *Exeter* said, that if anything could add to the unwillingness with which he interposed between the noble Earl and this House, it would be the notion that he had been called up immediately to answer — he presumed — the most rev. Prelate (the Archbishop of Dublin). On that supposition, however, he readily yielded to the call which had been made upon him; though, when he said this, he hoped the noble Lord who had just sat down would not imagine that he had failed in attention to his observations. He could assure that noble Lord that he was much struck with a portion of his very short speech, for it confirmed observations he had before heard. This House seemed to him totally to disregard the merits of the institution at Maynooth. It was not a national institution. It had been regarded as if it were an institution established by the State, at the expense and at the mere motion of the State; whereas it was nothing more than an institution which had been left upon the hands of the State by those who, in the first instance, had undertaken to provide for its maintenance. The document that had been laid before their Lordships under the title of a "Memorial from the Trustees of the College of Maynooth," kept out of sight altogether the real origin of the institution. The memorial stated, that the College was founded by the Government with the intention of educating priests for the Roman Catholic population of Ireland. He begged to say that that was a total mistake—he would not say misrepresentation; but he was surprised that these reverend persons had not better records of the history of the institution. He held in his hand a copy of the document by which the College of Maynooth was originated, signed by Dr. Troy, Archbishop of Dublin, and addressed to the Earl of Westmorland, Lord Lieutenant of Ireland, in 1794. This document was an earnest petition to the Government of the day, setting forth that, under the laws formerly existing, the memorialists were obliged to resort to foreign countries, and particularly to France, to obtain an education for their priesthood; that they had established several valuable institutions, in which 400 persons were constantly maintained; but that in the anarchy then prevalent in France, those establishments had been destroyed; and they entreated the Government to allow them and their friends to institute and endow a College in Ireland. With this request the Government of that day complied. The memorialists said, they were prepared to establish proper places for the education of youth for clerical duties, if, as they had been advised by counsel was necessary, His Majesty's Royal License were granted to them, to enable them legally to secure the funds by which they were endowed. By the advice of the Lord Lieutenant, who went further even than the petitioners requested, an Act of Parliament was passed, enabling the Trustees, all of whom, except the great law officers of the State, were Roman Catholics, to receive donations, and to endow and institute the College of Maynooth. But the Government went still further, and said, "We will assist you by a grant of 10,000*l.* towards the 30,000*l.* required for the purpose, the rest being made up, as promised in the Memorial, by donations from the Roman Catholics themselves." For some years the Parliament continued to sanction a grant in aid of the institution; but in 1799, they refused to do so. The grant, however, was afterwards continued, until it was at last

found that the Roman Catholics of Ireland had ceased to contribute to the support of this institution. This was the history of that dilapidation which had excited the shame of some noble Lords. The noble Earl who was recently Secretary for Ireland (the Earl of St. Germans), had said that he blushed when he witnessed the dilapidated condition of the College of Maynooth. He (the Bishop of Exeter) thought the noble Lord might rather have blushed at the conduct of the Roman Catholic gentry, who had thus permitted their own institution to fall into ruin. This institution—the sacrifice of which, it was said, would deeply wound the feelings of all the Roman Catholics of Ireland—had not obtained a portion of their sympathy for the last twenty years. Up to 1814, with the exception of an estate which now produced about 5,000*l.* a year, the whole amount of donations to the College did not seem to have amounted to 5,000*l.* annually: since 1814, not a groat! He thought, therefore, it must be inferred that the Roman Catholics of Ireland had a very bad opinion of this institution—that they did not think it was calculated to effect the objects for which t was established. He thought these facts clearly disproved the charge of parsimony with regard to this institution which had been made against Parliament: in fact, it appeared to him that successive Governments had regarded the grant to Maynooth as a vote in favour of a chance institution. The noble Earl the late Secretary for Ireland, who spoke last night, had said that this Bill did nothing more than supply a technical defect in the original Act—the object of the original measure being to make the institution perpetual, to constitute it a corporation; and this would have been done, according to the noble Earl, but for the circumstance of some technical defect. The noble Earl was, however, labouring under a total misapprehension in fancying that the intention of the framers of the original Bill was to render the establishment permanent; for it did not contain a word that showed any desire to make the Trustees a corporation. But the next Act, to amend the original measure, effectually excluded the notion of incorporation; for it enabled the Trustees to sue and be sued by their secretary. They were told that the adoption of the present measure would prevent the annual discussion of this question. What was the fact? There had, now and then, been a discussion in the other House on this subject, but he believed there had never been an adjourned debate; and his conviction was, that if all those discussions on the Maynooth grant had been condensed into one debate, they would not have occupied half the time that had been consumed in any day's discussion on this Bill in either House of Parliament. It was five or six years since any discussion had taken place in the other House on this subject, except upon the annual vote. In 1840, the present Prime Minister of this country said, that it was the duty of Parliament to inquire into the condition of Maynooth, and the doctrines taught in that institution. It was proposed, by the Bill now before their Lordships, that an annual visitation of the College should be established, and that such visitation should take place as often as the Lord Lieutenant might think fit. But what was to be the nature of this visitation? It was asserted that intolerant and antisocial doctrines were constantly inculcated at Maynooth; and were they to be told that a system of visitation was efficient, when the visitors were precluded from making the slightest inquiry as to the doctrines taught in the College? As he had before said, the Roman Catholics of Ireland had deserted this, their own institution. It might be asked, why was this? It could not be from poverty. They had been told, that Roman Catholics in Ireland were attaining to great wealth; and he was glad that such was the case. Were they backward, then, in contributing to religious objects? He would not speak of the O'Connell rent, or anything of that kind; but he might state, that for the last twelve years the Roman Catholics of Ireland had been contributing 6,000*l.* or 7,000*l.* a year to the Institution for the Propagation of the Faith at Lyons. This being the case, he would certainly have thought that if the Roman Catholics of Ireland entertained any desire to maintain the College of Maynooth, they would not have permitted those who were designed to be the instructors of the people of their faith to be subjected to such disgraceful and inconvenient accommodation as had been represented to exist at Maynooth. But what were the objects of this Bill? There was to be a visitation; but the inquiries of the visitors must be confined to the

merest trifles, such, for instance, as the treatment received by the students from the professors. They had heard that, though there was now a triennial visitation, the visitors did nothing; and why? Because they had nothing to do. What, he would ask, was the great want of Ireland with respect to the clergy who were to instruct the Roman Catholic population? They required a set of men who would remind those over whom they were placed of their duty to God and to their country—who would remind them that their first duty to their country was to live in peace, to cultivate peace; and who would remember that it was their own duty to set an example of that peaceful conduct. They were told that great allowances ought to be made for the priests educated at Maynooth, inasmuch as they belonged to the people, and must be expected to share the feelings and passions of the people. He was ready to make all due allowance on this point; but the clergy whose duty it was to instruct a tumultuous, or it might be a rebellious population, ought not to take their character from the people, but ought to endeavour, by God's blessing, to communicate to them feelings of Christian peace and charity. How, then, were the clergy of Ireland to be educated in order to fit them for this situation? Surely not by shutting up 500 of them together, as proposed by this Bill, in a monastic institution, leading lives of total seclusion, and utter hardship and privation, of utter serfism; debarred, not merely from all refined intercourse with society, but actually kept sternly within the narrow limits of their own establishment; not permitted, for the seven years of their servitude at Maynooth to leave the place but occasionally, for a short space, in the vacations; and at all other times not allowed to quit the walls for a country walk, nor to walk out at all in their own boundaries, but in the presence of a dean, whom they are forbidden to remove themselves from the sight of under penalty of expulsion. Surely this state of slavery was not adapted to fit them for the office which they were destined to fill. And if the day which makes the slave robs him of half his virtue, what quantity of the remaining half would survive the day which turned the slave into a despot? Ay, a despot; for the hope of one day becoming a despot was the great object which reconciled these young men to all the sufferings of their seven years' slavery. At the end of that period they saw before them all the triumphs of spiritual despotism, when they should go forth among the people as the representatives of God—as the representatives—not as the ministers—of God; such was the character which their books taught them, after the usual probation, they were to possess: *Vices gerere Dei.* How great was the contrast between the Roman Catholic clergy in Ireland, and the members of the same body in England! Here it was well known to all that the Roman Catholic clergy among us were eminently fitted, by their habits, acquirements, manners, and feelings, to fill the sacred character. He had himself had great gratification, in the course of his life, in making the acquaintance of several Roman Catholic clergymen, and he had never known one who was not remarkable for meekness, mildness, and amenity of character. How was this occasioned? By their living, during the period of their education, in a manner exactly opposite to that in which under this Bill the Irish Roman Catholic priests were brought up. He believed that the young men intended for the ministry of the Roman Catholic Church in England were brought up in the society of those intended for other professions, and even during the period of their instruction for the ministry they enjoyed considerable intercourse with such persons. This, he was convinced, accounted for the great difference in the characters of the Roman Catholic priests of England and of Ireland. It had frequently been stated that the lowest class of the people alone were educated for the Catholic priesthood in Ireland. He believed, on the best possible testimony—the evidence taken before the Commissioners in 1826—that that statement was wholly unfounded. He believed it repeatedly occurred in the evidence, that many of the gentry send, or did send, their sons to that College; but it was the opulent merchants, and the most respectable farmers and tradesmen of great respectability, whose sons formed the chief body of young men preparing for the Roman Catholic priesthood. Then, he asked, was this measure likely to improve the College in that respect? So far from it, that it tended to take away the security they now had: for that security, of the education not being merely eleemosynary, was a very great benefit—it

insured a superior class of young men for the ministry in Ireland. If it had failed in that respect, it must have failed from the degrading character of the institution; most certainly it ought not to be otherwise; for they could not doubt that the gentry of Ireland must be as eager to give their sons to religion as the gentry of this country: and he repeated, that if there was that reluctance on the part of the gentry of Ireland to send their sons to Maynooth, it must be because the education was degrading—different from what it was in England. By the present Bill the total expense of all the 250 young men, divinity students, was to be defrayed by the country. Then, who were to appoint them? The Roman Catholic bishops of Ireland. Would not the result of this measure then be, to give to the Roman Catholic bishops influence of the most efficient kind in naming the provision of not fewer than 250 young men? But that was not all; as for every place to be filled up there would be ten expectants. Upon all constitutional grounds patronage of that kind should be in the Crown. But the Crown, in giving that enormous power of the entire support of these young men at Maynooth, ought to have in its hands the power of selecting them; and it was peculiarly important in Ireland that that should be the case, for the Crown wanted to be connected with the people of that country by benefits felt by them. If, however, that were thought to be giving too much power to the Crown, another course might be adopted—that of giving these situations on competition. Let the Crown have the power of nominating four times the number of young men necessary to supply the vacancies, and let them be examined publicly in Dublin by the Roman Catholic bishops, or persons appointed by them; and let the candidate who was the best qualified for admission be the successful one. With such an examination, they would have well-conditioned persons appointed to Maynooth, and there would be some gratitude to the Crown: but if the Roman Catholic bishops were to supply the vacancies, that gratitude would go, not to the Crown, but to the bishops. That might be made the means of great benefit to Ireland, but certainly not if they continued the institution of Maynooth in its present monastic state. As to the expense of the measure, it was beneath the country to entertain it for a moment. But he should wish to see, instead of the College of Maynooth, four proper places of good education, connected, if they would, with the measure now before the House of Commons. Let there be appended to each of those three or four places proposed by that Bill, a special place of education for the Roman Catholic clergy, and let them be made places of liberal education. Let there be, if they would, that due discipline which there ought to be over the clerical students; but let them have the same examination with the gentry, as in this country. He knew nothing in the Irish character that was incompatible with that object. Now, the right rev. Prelate who had spoken on the previous evening with so much ability, had been reproached for failing to point out any remedy for the evils of Ireland. He must say it was not merely unfair, but unconstitutional, to call on the right rev. Prelate to do so. He was not the Minister of the country; he was not responsible for the Government. He (the Bishop of Exeter) was sure, however, that if this Government went out upon this measure, the noble Lords opposite could not come in, for in fact they were all of the same way of thinking on this question; but of all Governments that was the worst that could not carry those measures which it thought best. He thought that the present Government, after what had been stated, could not deny the objections to this measure. They were evident, they lay on the surface, and he must say, that if they perpetuated such an institution as that of Maynooth, they were perpetuating a curse upon Ireland. Even without immediately considering those very important particulars which were brought to their attention by the noble Earl who moved the Amendment, and the noble Duke who supported it, he should not have entered into that part of the question, but for what was stated on the previous evening by a noble Lord for whom he had a very high respect, founded upon his conviction and experience of the honourable and candid manner in which that noble Lord (Lord Beaumont) performed his duty in that House. More than once had he had occasion to congratulate that House that the measure of 1829 had brought with it some compensation in giving to them the benefit of so able and high-minded a coadjutor. The noble Lord, in referring to the statement

of the noble Earl as to the conferences of the Roman Catholic priests, said the questions mentioned by the noble Earl were put forth in a speculative age of the Church, when there was great liberty of discussion; but he (the Bishop of Exeter) had not read history as the noble Lord, if he spoke of that as a speculative age in which there was such liberty of discussion. He was, however, bound to say, that he had the best and plainest evidence of the accuracy of the noble Earl's statement respecting those conferences. What was the nature of them? He held in his hand the Statutes for the province of Dublin published by order of the right rev. Dr. Murray. Here was one. It was a special direction to be visited by suspension *ipso facto* if not obeyed, that every priest should have with him some work of moral theology, in which he should very often, and if possible every day, read at least one chapter or one title with attention (a title was the heading of a series of chapters), in order that by the assistance of that frequent reading they might be better able to direct the consciences of the people committed to their charge. That reading was to prepare them for the conferences at which they were to be instructed for the confessional. Now, what were the questions proposed at those conferences? "Are infidels to be allowed to join themselves to those born of the faithful? May the faithful communicate with infidels? Is it lawful to tolerate heresy? What are the punishments to be decreed for those who are affected with heresy?" Those were the subjects of conference in 1832, in order that the priests who considered them in conference might be the better able to instruct their people. Were they to be told that the questions were put, but that there were no answers? Why, what answer could be given to that question, "What are the punishments decreed against heretics?" They were told to follow the authority of Dens. It was said, that that meant they were only to take the order of their questions from Dens. But, he would put it to any scholar whether it was possible for him so to construe it? There could be no doubt they were to follow the authority of Dens; but what were the answers Dens gave? They were the punishment not merely of excommunication, but the confiscation of goods, imprisonment ay, and death. It might be said, that those were only the private opinions of Dens; but there could be no doubt that the canon law did inflict death by burning, for heresy, and that that was the canon law at the present moment. But how to the people of reland could such a doctrine be safely pre ched in their confessionals by the priests, and, if it could not, why was it made the subject of conference in the instruction of priests for the confessional? Those were tremendous considerations; but the question was not whether they were horrible, but whether they were true. They might say that that had no special connexion with Maynooth. He thought it had; for if they would take the trouble to look at the regulations of Maynooth, they would find that the Dunboyne students were educated for the special purpose of heading these conferences; but, even if it were not so, there was in the education at Maynooth enough to make them tremble at the persecuting doctrines taught there. The noble Earl had referred to the works of Maldonatus. It was frightful to contemplate the doctrines laid down in his works, and yet he was the favourite commentator on the Gospels referred to at Maynooth. He would only just refer to one or two of his doctrines. On that beautiful text, Luke ix., v. 55, "Ye know not what spirit ye are of," Maldonatus said—

"This does not seem to me to be properly spoken of the gospel dispensation at large, but only of Christ, who, Almighty as he was, and deserving of his vengeance as men were, yet 'came not,' as he says immediately afterwards, 'to destroy men's lives, but to save them.' He would not force his gospel on the world by arms, but chose rather to insinuate it by meekness, teaching, miracles. But now, as often as the occasion demands, religion must be defended, and preserved by the sword from the earth, and by fire from heaven. We must slay the Turks who are invading the Church,—we must burn heretics as traitors and deserters!"

That was taken from the Catechism for the Parochial Clergy. But he would read another passage:—On Matthew, v. 13, "If the salt have lost its savour," he said—

"What Ezekiel says of the vine, our Lord here says of salt. The meaning of both is the same, that degenerate teachers, as heretics above all others, are good for nothing but to be punished, to be trodden under foot, to be burned with fire."

Now he had lately had a communication

with a gentleman educated at Maynooth, who had authorized him to say that, in case their Lordships should agree to the Amendment proposed by the noble Earl, he was ready to come forward and state what was the sort of instruction he had received at Maynooth. He (the Bishop of Exeter) asked him, by letter, whether any especial caution was given to the young men there respecting these persecuting doctrines; and the answer was—

"I do not recollect any such caution having been given. I do recollect that, in vindicating the Council of Constance for their mode of dealing with John Huss, the professor claimed for the Church the corporal punishment of heretics—which, however, he left to the temporal power."

This person had high credentials to his good character. With respect to the loyalty inculcated at Maynooth, he said—

"I never knew the professors to encourage or discourage feelings of loyalty. They seemed to me to avoid the subject. They certainly do not encourage charitable feelings towards the Protestants. I once heard the professor from the chair declare that heretics could not enter into the kingdom of Heaven, and that Protestants must be regarded as heretics in places where they could not have the plea of ignorance."

Dr. M'Hale, he (the Bishop of Exeter) considered a good specimen of one imbued with the spirit of Maynooth, where he was bred, and of which college he was President for eleven years; and Dr. M'Hale, it came out in evidence before a Committee of their Lordships' House, on the occasion of some Roman Catholics having become converts to Protestantism near Achill, forbade their Roman Catholic neighbours from speaking to those who had been so converted. It also appeared from that evidence that a priest named Hughes had advised his parishioners to use pitchforks and put into bogholes any one who approached their dwellings in order to teach the Scriptures or distribute tracts. Now, he (the Bishop of Exeter) most earnestly trusted they should get rid of that spirit in Ireland soon. As indicating the *animus* of the Church of Rome, and the effect of the canonical law, he might mention that in 1815 the Belgian bishops had addressed their then King on his declaring his intention to confirm to the Roman Catholic Church its privileges to this effect:—They affirmed that to confirm to the Roman Catholic Church its privileges was inconsistent with another article of the Constitution, which gave equal laws to all the Belgians; for that the ancient canonical law was incompatible with liberty of conscience, and that the Roman Catholic Church would therefore be opposed to the laws of the State. The King persisted, and gave equal laws to his subjects; the bishops persisted also, and twenty years afterwards drove him from the throne. The Pope, in 1832, in an encyclical letter, denounced the doctrine of liberty of conscience as a pestilential error. But what had been the practical effect of the sanguinary instructions that were given to the priests? He had a document to show this proceeding, not from any clergyman, but from a very high functionary in Ireland, who was well known to be one of the most liberal lawyers in Ireland and an ornament to the bench, he meant Mr. Baron Richards. At an assizes at Castlebar, in 1838, that learned judge tried a woman for homicide, and passed sentence on her, and in doing so observed—

"I cannot but grieve over the depraved character of a people who can be guilty of the many cases of this description which have come before me this assizes, and several of these homicides have occurred as the parties were returning from the mass-house. I must here say, I cannot but think that the minds of the people of this country are as open to instruction as those of any other, and if the proper and due precepts were impressed upon them they could be restrained from the violence and bloodshed which so greatly disgrace this country. I am certain that the people could be humanized; and, without any thing like reproach, I do say, that a heavy responsibility rests on those who meet these people in the house of God—I mean the spiritual instructors of the people, whose duty it is to keep them from violence and murder—and I think that could be done by proper exertion and persuasion. Many of the rev. gentlemen I allude to are excellent men, and for them I have a high respect; but in the discharge of my duty I must say that I conceive the people of this country as susceptible of receiving benefit from the instruction their pastors should bestow as the people of any other. It is by the efforts of their clergymen more than by law that the people can be humanized and rendered amenable to the voice of justice and peace. Feeling that such is the case, it strikes me with amazement that the people should still exhibit such savage conduct. Very many cases of murder that have come before me were committed on the return of those concerned from the house of God, and that murderous habit I cannot reconcile with the mo-

ral and religious instruction that ought to be unceasingly impressed upon the people."

It was right that their Lordships should know what were the doctrines that were actually taught at Maynooth. The right rev. Prelate here read a passage from the evidence of Dr. M'Hale before the Committee of the House of Lords in 1826:—

"When I say that the Church has the power of dispensing from oaths, I understand that the Church is then the interpreter, in some measure, of the Divine will. In casuistry the shades between right and wrong may be sometimes so indistinct as not to be seen by an ordinary eye; then the Church, being the interpreter of the Divine law, only decides what seems best in the particular case. 'We find it laid down in the class-book, p. 145, that the following are just causes of dispensation in those cases—viz., 1st, the honour of God; 2nd, the utility of the Church; 3rd, the common good of the republic; 4th, the common good of society. Who is to be the judge of what 'the utility of the Church' may require? The superiors of the Church.' If there are paramount obligations founded on natural law, or on the Divine law, and which are clearly impressed on every mind, then we never entertain the question of dispensation, because we know that neither bishop, nor Pope, nor any power on earth, whatever utility could be derived to the Church, can attempt to release a person from an oath confirming these obligations. If the Pope, from a mistaken zeal for the Church (as there have been such instances), should attempt to release subjects from their oath of allegiance, that is one of the cases in which every person may judge for himself that such dispensation is invalid. 'There are certain great landmarks: the duties we owe to kings, sovereigns, persons of subordinate condition, parents, &c., but such is the complexity of human affairs, and such is often the conflicting variety of duties, that it will be impossible to determine every case with certainty. If all cases were determined we should have no necessity for tribunals, either ecclesiastical or civil.' (285.) 'Who is to decide in doubtful cases?—If it be a perplexed case, it will be left to the superior; but if it be a clear case, then every man's own reason can judge.'"

In 1800, Pius VII. acceded to the Popedom, and on that event, on the 14th of March, wrote to Louis XVIII., acknowledging him as the successor of St. Louis and the legitimate Sovereign of France. Louis accordingly sent Cardinal Maury ambassador to Rome. In March, 1800, it would be remembered, the affairs of the republic were at the lowest ebb. Bonaparte was shut up in Egypt with his army, and there was a great prospect of the speedy return of Louis to the throne of his ancestors. But, in 1801, the battle of Marengo took place, which put Bonaparte in possession of the whole of Italy; and the Pope having entered into a concordat with Bonaparte, published it, and thereby absolved all Frenchmen from their allegiance to their legitimate sovereign, and consented to the oath by which all parish priests and bishops swear that they will bear true allegiance to Bonaparte, and reveal all conspiracies against his government. This was an instance to show that the deposing power was still claimed and acted on by the Pope. He would add a proof of what amounted to a direct teaching of perjury. In the book called *De Pœnitentiâ*, pp. 285, 286, it was stated that—

"If a priest be interrogated by the magistrate on matters which have come to his knowledge from confession only, he ought to answer that he knows them not—ay, and to swear that he knows them not, without any danger of hereby swearing falsely. The reason is, according to Estius, because a man neither lies nor equivocates who speaks to the mind of him who asks, and so brings forward nothing but truth. And such is the position of the priest in the aforesaid case; for the judge does not put the question to him of what he knows in the way of confession, as representing God (*quatenus Dei vices agit*), but what he may know as man (*quatenus homo*), and therefore out of confession. To Estius all divines assent in this. But if the judge press him, and further demand whether he knew such or such a thing from confession, some authors say that the priest may give the same answer, that he knows nothing of the matter on which he is interrogated—because, say they, whatever be the will of the judge, he cannot interrogate the priest, except as man. But the far more common opinion, and that which must be followed in practice, is, that in such a circumstance the confessor must say that he can give no answer to the question: the reason is,"—not because the other answer would be false, but—"because this answer only consults for the sacredness of the seal, be the case what it may, and at the same time for men's reverence for the sacrament. For it may have been that the penitent has already declared to the judge that he has committed the crime which had been the subject of confession, and then what would the judge think of the denial of the confessor, which the penitent himself has proved to be false? Again, if the crime should be proved by other evidence, and the confessor had affirmed with an oath that he had heard nothing of it in the sacred tribunal of confession, would he not give reason to conjecture that a full confession had not been made by the penitent?

Therefore, in the case supposed, the only thing which is fit for the confessor to do, is to give an evasive answer, or to hold his tongue, whatever be the threatened consequence, even though it be death."

If that were not directly instructing the clergy in perjury he was not able to understand what was meant. If the Government proposed to perpetuate and take into the bosom of the State this institution—if they were willing to grant this special favour to a perjury-teaching College—let the responsibility rest upon them. But unless it could be shown that this teaching of Maynooth was as conducive to truth, justice, and honesty, as he believed he had shown it to be in direct contradiction to them, he did trust, that whatever had been the previous Resolution of their Lordships with regard to their votes, if he had been the humble means of opening their eyes to the iniquities of the system there pursued, a majority of their Lordships would act upon their conviction, and say "Not content" to the Motion for the second reading of the Bill.

Lord *Brougham* said, that in addressing their Lordships upon this now almost exhausted subject, he wished, in the first place, to point out the remarkable discrepancy between the line of argument taken by the right rev. Prelate who had so ably addressed their Lordships, and the arguments previously addressed to their Lordships by every one of the noble Lords who had before spoken on the same side of the question; a discrepancy so signal, that he could not help felicitating his noble Friends opposite, and his two noble Friends who occupied the cross benches, and wishing them joy of the support which their contention had met with from the right rev. Prelate. For, what was their ground for opposing the grant? It was, that this was an institution for the propagation of idolatry — superstitious and abominable doctrines—all that was most erroneous in creed and pernicious in practice—all that the State should put down, and the ministers of religion discountenance—and that the Government ought not to give its countenance to the endowment of a College for teaching Roman Catholic priests, who would disseminate those errors and perpetuate those principles. Though he thought that those objections were wrong, and that the ground of the opposition of his noble Friends was unimportant, they were at least consistent, and their argument was to be understood. But what said the right rev. Prelate? "I object," said the right rev. Prelate, "to this particular College of Maynooth. I find fault with it in its principle and in its detail; but let there be a good establishment upon the same principle, and then found four colleges, at each of which there may be taught not only secular learning, not only the sciences and letters, to lay pupils; but to each of those Colleges," says the right rev. Prelate, "there shall be added an ecclesiastical seminary for the express purpose of teaching Roman Catholic priests, and qualifying them to go forth on their Papist mission." There was, however—to use a theological phrase—a backsliding in the right rev. Prelate's observations; for, however much he differed from his noble Friend in the announcement of principle, in the manner in which he followed it up he was equally discrepant with himself. The right rev. Prelate said, here was a great change proposed by this Bill; here was the endowment, for the first time, of a College that had never been endowed before; and that was the chief argument upon which the other side rested. The right rev. Prelate said, that all that the State had hitherto done was—on the representation of the whole body of the Irish people—not to endow, but to give the Catholics an opportunity of endowing the seminary themselves. It was rather, according to the right rev. Prelate, the object to found an endowable than an endowed College. But how did that statement tally with the fact? In the year 1795, the Act the 35th Geo. III. was passed. Did that Act, or did it not, endow the seminary? He said it did, most distinctly and clearly. It appointed Trustees, to whom it confided all the powers of a corporate body, and, in all but the use of the word corporation, which was accidentally omitted, it made a corporation of those trusts; and so far from its having been intended that the institution should depend on Roman Catholics for its maintenance, in that very year was the first grant of the State for its support made. Then came the Act of 1800. Certain things had been omitted in the first Act, and it was found necessary to add those powers which were found wanting to carry its objects into effect; and at the same time a new system of visitation was founded. The Act of the 48th of Geo. III. followed next; and that Act gave all those

powers which the previous Acts, the 35th and 40th of the same reign, had left wanting; but it still omitted the terms "corporation" and "corporate body:" and that omission had occasioned a doubt whether the Trustees could take leases as a corporate body, or only for themselves as individuals. And when they heard of the clamour which had been excited in consequence of the omission of this main word—when they found that omission was sufficient to raise a flame throughout England, Ireland, and Scotland—they might indeed say that words were things. But what were the words of the 48th of George III.? "Whereas," said the preamble of that Act, "a seminary has been established, maintained, and endowed, for the education"—the exclusive education was the word—"for educating exclusively persons professing the Roman Catholic religion: be it therefore enacted." To say that endowment was never heard of before, and that it was reserved for the year 1845 to speak for the first time of the endowment of Maynooth, was a mockery of the recollection of their Lordships, or of their senses in reading the words of that Statute. But who was the Sovereign under whose government the last of those three Acts passed? George the Third: that Sovereign, as was well known, was no great enemy to the Protestant Establishment, nor was he any great admirer of the Roman Catholic faith; and he would venture to say, of all persons in England, no one was more conscientiously and zealously attached to the religion of his ancestors, their firm adherence to which had been the ground for selecting that illustrious family to fill the Throne of these realms. George III. was the Prince to whom those Acts were recommended, which afterwards passed the Irish and the English Houses of Parliament. But who was the Minister by whose advice the 48th of that King was passed? That Minister was neither more nor less than Mr. Perceval, of Protestant memory; a man of truly anti-Catholic prejudices, if he might so speak, of what were in his case sincere and conscientious opinions, in support of which he was ready to make any sacrifice, not of office merely, but of life. Mr. Perceval's attention was called to the subject; and it could not be supposed that he was indifferent to the errors of the Catholic religion, for this was the very year after he had displaced the Ministry of Lord Grenville and Lord Grey, on the ground of their difference with the Sovereign upon Catholic Emancipation. This strenuous advocate of Protestantism—this enemy of the Catholic system, the Catholic creed, and the Catholic religion—was the Minister under whom this Act was passed, which, in repeating the two former Statutes, expressly stated that the seminary was endowed. He (Lord Brougham) thought that a seminary for the education of a spiritual class of men, to the exclusion of laymen, was to be lamented, and he regretted the change that was made in that respect in the constitution of Maynooth; but it had been made before Mr. Perceval's time. From the time of the passing of the first Act, with the exception of one year, he believed in consequence of the agitation then existing in Ireland, the grant in support of this seminary had been made every year since. But, said the right rev. Prelate, that grant is only for each year; but was the intention of Parliament less distinct or more doubtful on that account? On the contrary, its being annual stamped it fifty-fold more strongly with the authority of Parliament, and increased fifty-fold the arguments in favour of this measure; and, as the most rev. Prelate (the Archbishop of Dublin) had most justly asked, who was the Minister who would now dare to propose to Parliament the refusal of the annual grant? If this Bill had never been heard of, the grant would have been made every year; it was, in fact, a lease of years renewable for ever; and if no one could doubt that, where, in God's name, was the difference between giving it altogether, once and for all, and giving it every year—between giving it for ever at once, and giving it in a way that was never to end? By giving it at once, they had at least this advantage—they avoided those debates without end in Parliament, which the annual reference to this subject gave rise to; they avoided all that agitation and excitement in the country which they annually witnessed, and those efforts made by men who, it might be said, knew no better, but who, with all charity, he suspected did know a little better than those who were their dupes; they would have, instead of the present annual crop of anti-Maynooth meetings, of religious animosities, of discord raised in each parish and in each family circle—for it extended to the domestic hearth—instead of that, they would have the matter settled, once for all; and there would be a prospect that that agita-

tion and that discord which now existed would be overcome, and that the present storm, by which the whole surface of society was ruffled, would subside into the calm of good feeling and Christian charity. They had, then, the right rev. Prelate telling them of the kind of teaching and the kind of people that were sent forth from Maynooth. The right rev. Prelate said they were treated as slaves when they were there, and that they became despots at the end of seven years. Now, he would wish to say one word of that which ran through the whole of the arguments of the right rev. Prelate and others; and that was, the grievous error of arguing one question when there was another before them. They had been arguing as if the question before them was, if all the evils of Maynooth were to be continued, or to be put down. They had no such choice. They had Maynooth, whether they liked it or not. They had had the endowment for half a century; they could not revoke it; they could not disfranchise Maynooth, and therefore they must continue to have it, with all its bad teaching, and even with its slaves, who were afterwards to become despots. Was it not, then, he asked them in sober seriousness, if they must have slaves who were afterwards to be despots—if it would not be better to have them gentlemen, or something approaching gentlemen, educated liberally, with something of gentlemanlike fashion?—then, he asked them, was it desirable that they should have them in that state which had been described by an English gentleman who had gone over to Ireland, and visited Maynooth? In that description, it was said of Maynooth that an Irish union workhouse was a palace to it; there was to be found in it nothing but lazy squalor, from the dining room to the kitchen; and "why," the writer asked, "should the place be so ruinous and foully dirty?" There was a noble Duke (the Duke of Leinster) who lived near to the place, and who must be aware that the picture was not overcharged. This argument applied to the whole question. Whatever arguments they might use against Maynooth, whatever might be its police, its habits, or its discipline—whether there was a want of education, a perverted education, or a defective education, or whether there were bad priests reared up, or, to use the strong expression of the right rev. Prelate, the students were fitted to be despots by being turned into slaves; whatever the circumstances might be—and admitting the pictures that had been given of Maynooth to be perfectly true—what was the result? They could not put a stop to Maynooth—they must continue it; and the only question was, how were they to remedy the evil, and how were they to make the mischief cease? Thus, every topic that had been used on the other side gave an additional force to the arguments in favour of this measure. He came, then, to the worst argument of the right rev. Prelate, who said that there was no security whatever for the good government of this institution. His reply was, that they had the best security that was to be got, under the circumstances in which they were placed. The Trustees were to have the power of making by-laws. They might make regulations for their own government, their own police, their own discipline, within certain limits, for regulating the doctrines that were taught. Then there were to be visitors, and they were to have the power of making inquiries. It was no longer to be nominal; and even hitherto, he was aware, it had not been altogether formal, but in some instances effectually used. Why, the right rev. Prelate was ignorant of the history of the institution which he charged with so many defects. The visitatorial power had been formerly exercised—it had been repeatedly exercised by Lord Plunket. At one time, sedition had been said to have been circulated amongst the students; an inquiry was made; expulsions took place, and the remedy was found to be effectual. On one occasion, too, inquiry had been made whether bad doctrines had been taught—whether they were bound by their oaths to refuse to give legal evidence. An inquiry was instituted, and the answer again was that they claimed no exemption—that they were obliged to answer on their oaths, notwithstanding a prior engagement. He now came to speak with respect to a point that it was painful to him to allude to upon any occasion or in any place, particularly because the opinions that he had to express might very possibly be found unpleasing, and be heard with disrelish by some Members of their Lordships' House for whom he entertained an unfeigned respect—the Members of their House who were of the Catholic religion. After all the clamour that had been excited out of doors, after all the attempts that had been made, if not within doors, at least not discountenanced by the course pursued within

doors; not by the reasoning but by the declamation within doors; it became necessary to exempt oneself from the charges thus made; it became necessary to state the preference which he gave to Protestantism over the Catholic faith, which, in his mind, was a grievous error. He did not wish to use a harsh expression; but such was his opinion of that form of worship and that form of faith. No man, he said, in that House, or out of that House, be he ever so loud in the profession of his attachment to the Protestant faith, could surpass him in his opinion as to the errors of the Catholic system; meaning by that, the Romish religion, and the evil tendency of its policy —not of the religion, mind, but of the policy—the policy engrafted on the Catholic religion. He said nothing of its Articles of Faith, for that was not the place in which such sacred points should be discussed; but laying aside its Articles of Faith as being of a purely spiritual nature, and which only concerned the souls of men, which only taught the relations between man and the Supreme Being, and with which no man had a right to interfere; that he said, was a point on which it was not necessary for him to enter. But then, as to doctrines which did not belong to the Catholic faith, which were separate from it, but which had been engrafted upon, which had been introduced into it, by the weight and authority of men who wore mitres, and men who were armed with crosiers, and men who flourished under the sanction of the Pope or Bishop of Rome; —he denied the right of the Popedom to make these introductions, to engraft these things on the original pure faith which had been handed down from the apostolic times. Of these errors, he said, he disapproved. Now here, he said, they had nothing to do with these questions, nor with nine parts out of ten that had been brought forward on the other side, and to support which they had large volumes produced—happily not read; but still they had considerable references made from books of all sorts—from theological books and class books, and he had strong impressions that some of the Fathers even had been quoted. [*Laughter—a noble Lord mentioned Thomas Aquinas*] No—Thomas Aquinas was not a Father, he was merely a Doctor. He wrote in the thirteenth century, the Fathers in the first four or five centuries. Upon all these arguments and quotations he had a short observation to make. He said their argument destroyed itself; for supposing these things taught at Maynooth, the question was, would they not put it on a better footing? His noble Friend (Lord Beaumont) was wrong in supposing that all the bad doctrines mentioned were not to be found in these books. The bad doctrines were certainly there; and if the question depended upon that, he should vote for inquiry. The truth, however, was, that they had nothing to do with the question. The things were taught in the Catholic Church; and when he said "Catholic," he meant Roman Catholic Church, for they were all Catholics. The doctrines were to be found in those books which constituted the *Corpus Juris Theologici*, and, as such, they were taught in Maynooth; but then out of the 100,000 pages in those books, it would be found that the bad doctrines shrunk within one or two pages: and it did not follow that a single line in these were taught as the doctrines of the Roman Catholic religion. But then, he said, don't let them suppose that the Roman Catholic Church was the only Church that had fallen into the grievous error of preaching such doctrines, or that intolerance was confined within the walls of the Catholic Church. All Churches armed with secular power, by an alliance with the State, had fallen into the same error, and all promulgated persecution, though none had carried it so far as the Catholic Church. Even their own Anglican Church, the least persecuting Church, had divines who had written within the last three centuries— not in the thirteenth century, like Thomas Aquinas—but who put forward persecuting doctrines. They must not even say that they were quite free from intolerance at the present moment. What was said four or five times in the year, and what was the place in which it was said,— "This is the Catholic faith, which, unless a man have, without doubt he shall perish everlastingly;" which unless a man faithfully believe, he shall not be saved! Now, where and when were these things said? He need not answer these questions. They were not like the questions proposed at the conferences for discussion, as those very men could answer. If they then found their church anathemas "dealing damnation to all around," if they had found this to be a Catholic formula, which they (Protestants) had not happened to have adopted, he did not doubt but that these quotations from the Athanasian creed would have

been read the last night and that night. Amongst the other quotations that had been presented to them by noble Lords and the right rev. Prelates, sure he was that the Bishop of Cashel would have favoured them with such extracts, although in reading the quotations with which he favoured them, he must have forgotten the minacious parts of the service of which he was so suitable an expounder. Now, who were those who had made the greatest efforts against the Maynooth grant? They were chiefly Dissenters and Wesleyan Methodists. The Wesleyan Methodists were partly Churchmen but mostly Dissenters. There were Presbyterians, Baptists, Anabaptists, and Independents, the most zealous of the whole, he was sorry to perceive. Now he would remind those who would not, extend toleration to the Catholic religion, and who were on this occasion the allies of the right rev. Prelate—that their Church, as the law-established Church, was not merely Protestant—it was the English Episcopal Church—a Church which had the greatest repugnance to Dissenters who did not acknowledge the rule of bishops—a much greater repugnance to them than to the Catholic body who acknowledged bishops. Let the Dissenters remember that when they would carry on a crusade against their Catholic brethren. And were there no persecuting doctrines among the Dissenters? He would quote these doctrines, and he should like to know who it was that preached them? It was John Calvin. Even he, whose name was so venerated by Presbyterians and Anabaptists; they took it as the name of the purest filtration of pellucid and orthodox belief; and he might remark, that no inconsiderable body of their own Episcopal Church were followers of Calvin. He advised, then, those who held to the pure Calvinistic faith—to the discipline of Calvin—that it was not for them to carry on a crusade against Maynooth, because of the works of Thomas Aquinas, and his talking of heretics being removed as tares; when, if he (Lord Brougham) were to select any writer, who did not merely speak of it as a matter of right thus to treat heretics, but who laid it down as a positive duty to exterminate heretics, by burning the body to save the soul: then the one he would name, without hesitation, was John Calvin himself. And what he preached, he supported by act and example. This did not rest on Calvin's precepts; it was not a thing said and then forgotten; but, in the course of his life he acted on the precept, and by an act of the most atrocious perfidy—by opening letters—he entrapped his victim from Vienna; and having him in Geneva, his victim (Servetus) was accused of Arian or Socinian doctrines, there tried, and after an absolute mockery of a trial, was condemned to death and burned. The same inclination to persecute was exhibited, even by the Pilgrim Fathers, who settled the first colonies in North America. Jared Sparkes, who had written a history of these early settlers in Massachusetts, showed to what an extent they were tainted with the besetting sin of persecution; he mentioned the cases of two sent in chains by the very first ship that returned from Salem to England, and the crime laid to their charge, *horresco referens*, was, that the prisoners had presumed to say their prayers according to the service of the Church of England. The men were sent to England, they were imprisoned, but their lives were saved. This was persecution, not carried on by the Catholic Church, but by men who accused it of persecution. Let him now say one word, drawn from him by the allusion which had been made to that illustrious prince, the pride of this country, and who should be the pride of Ireland too—he meant William III. He revered the memory of that great monarch, and not only because he founded the civil liberties of the country, but because he had saved them from popery. That was his opinion, and it was the opinion of every man who had well weighed the eventful history of King William's time. That his glorious memory might be made the catchword—might be made the symbol—might be made the cry, the rallying cry, in order to make factious men, and zealous, over zealous, fanatical, and intolerant men, band themselves together—he was not ready to deny; and it was not in that sense that he would have their Lordships suppose that he used and echoed these words. But that they owed a debt never to be paid by endless gratitude, for the services in the cause of civil and religious liberty of that illustrious Prince, he was as fully persuaded as was his noble Friend, the noble Earl (the Earl of Roden) on the bench opposite. If they had lived in the days of the Somers', the Godolphins, and the other great men of their day, or of the days which immediately followed their time—if they had lived in these times, much as they now reprobated the provisions of the

penal code, they would have no doubt felt it to be their bounden duty to have passed similar laws to those they thought necessary for the protection of religion and of the liberties of the country. But these times had passed away. There was no longer any occasion for them, and these laws had therefore been repealed—that code had ceased to exist: but that was no reason for despising the provident wisdom of those who founded that code—a code which they deemed necessary to save the country from ruin. He said this much to show his noble Friends on the other side of the question how very little animated was he with what they were pleased to call the Popish spirit. Last of all, they were told by the right rev. Prelate who presided over the metropolitan diocese, that they could not conscientiously give money for the purpose of propagating error; of propagating that which they believed to be pernicious error. In the first place, the error would be propagated whether they gave the money or not; and, in the next place, it was not their own money which they were called upon to give, it was a mixed fund to which Catholics as well as Protestants contributed. And let him, last of all, ask them what they had done before? Was this the first time that they had thus given money? He had already shown that it was not the first time, even as regarded Maynooth. But Maynooth was only one of a dozen cases in which they had given money without stint, and certainly without grudging, and, undeniably, without clamour ever being raised, or conscience being ever invoked to take part in the crusade against it. This was no question of conscience—it was simply a question of policy and of expediency. What had they done with Canada, where they had established the Roman Catholic Church? But, said the right rev. Prelate, there was the greatest difference in the world between the two cases; for, if they considered—and they must, it was urged, be ignorant of the history of Canada not to know it; this was done because Canada was ceded to us at the Peace of Paris, after the seven years' war, when we bound ourselves by treaty to maintain the Catholic Church in that province. They might be very ignorant, it was true; but as regarded this matter, it would be difficult for them to be more ignorant than the right rev. Prelate. There was no such stipulation in the Treaty of Paris at all. The Treaty having been alluded to, he had carefully read it that morning. By the Fourth Article the King of France gave up and ceded in perpetuity the two Canadas to the King of Great Britain, and the King of Great Britain promised and undertook that he would allow his new subjects in Canada the free exercise of their religion; that was to say, that he would tolerate them, that he would not persecute them; that was to say, that he would allow them to exercise the Catholic religion; but not that he was to keep up the Catholic Church, a point on which not one single syllable was said. The King of Great Britain was to allow them the exercise of the Catholic religion, so far as the same was allowed by the laws of England; so that the penal code, in fact, extended to the Roman Catholic subjects of the ceded province. In Canada, he understood, there were constant grants given—not to the Church, because the Church was sufficiently endowed by the King in his legislative capacity, and by his Ministers, which endowment was confirmed to it by Lord Grenville's Act of 1792, voluntarily and without any obligation arising from the Treaty—but constant grants were made, to and for what? Why, if secular priests were bad, the regular priests were a great deal worse; and it was much more unconscientious to encourage and to support monks, than it was to encourage and support the secular clergy; and yet it was to support convents and monasteries that these constant grants were made. As to Malta, the case was a great deal stronger. The cession of that island first took place in 1802, and then in 1815, and no stipulation was made as to the Catholic religion. If that religion presented a forbidden aspect anywhere, it was certainly in Spain. By the Treaty of 1802, his Catholic Majesty ceded in full sovereignty the island of Trinidad, and we then undertook—not even to tolerate the Catholic religion, but to allow the Catholics three years' exercise of their religion, if they chose so long to remain on the island. There was, therefore, no obligation whatever arising from treaty to support the Roman Catholic faith in respect to Trinidad, and yet Roman Catholicism of the most intolerant and rigorous nature — that of Rome herself could not be more so—was established, endowed, and supported by this Protestant Government in the island of Trinidad; and yet no cry, no voice, no whisper has been ever raised against such a policy. Before he sat down, he wished to

say one word with respect to the mode, the time, and the manner of making this endowment, which they were now contemplating. It appeared to him that the mode of so doing had been made the subject of great misrepresentation. He had heard it said, that the right hon. Gentleman at the head of the Government had avowed as one reason for giving this grant to Maynooth, that there was some considerable alarm in respect of our relations with a foreign country. He had heard it said also that the same right hon. Gentleman had assigned as another reason, that agitation could never be put down without it. He had recently seen a contrast invidiously drawn between this alleged declaration of the right hon. Gentleman, and the concluding portion of the speech last night delivered by the noble Duke in introducing this Bill, when the noble Duke said that agitation had been put down. Justice to this Government—a debt of gratitude to the Ministers who had brought forward this measure—the love of doing that which it must always be delightful to be able to effect, of rendering any service in the vindication of those whom he knew to have been calumniated—made him desirous, before he sat down, of rendering that small service, if it were in his power so to do. The right hon. Gentleman to whom he had referred might have made allusion to America. He might, in the course of his observations upon this subject, have referred to our relations with the United States. He might then have alluded to difficulties which might possibly have arisen from the dispute pending between the two countries. But he (Lord Brougham) denied, as broadly and as distinctly as his words could enable him to give it the denial, that any such apprehensions as those alluded to had, or could have had, by any possibility, any place amongst the motives which induced the Government to bring forward this measure. And why was he so clear in giving this denial? Why, for these obvious reasons. To believe that such was the case, involved an anachronism; because last year, before there were any difficulties with America, before these difficulties were dreamt of, in answer to his Friend, Mr. Wyse, in the other House of Parliament, the right hon. Gentleman distinctly announced the intentions of Her Majesty's Government, both as to Maynooth and as to the plan of academic education for Ireland. That was enough; but he would go a step further. Even if the insinuation were not met by its anachronism being stated, he would still say, that it was impossible that any apprehensions as to America, or anything of the kind, could have influenced this step on the part of Her Majesty's Ministers. And why did he say this? Because these very Ministers had taken the ground, the very highest ground, that it was possible to take. They had even gone outside and *dehors* the bounds of prudence, in the high ground they took in their avowals and declarations in that and the other House of Parliament, in respect to the American question. But as one reason, one argument, one advantage, was not the right hon. Baronet entitled to say—"Among the reasons which should induce you to pursue a just, an equitable, a humane, a conciliatory policy towards your countrymen in Ireland, one advantage is, that, happen what may in our external affairs, it is always safe and good to have things in a peaceful, tranquil, and conciliatory state at home." Why was the next observation made? "It is vain," the right hon. Baronet was alleged to have said, "to think to put down agitation by force." Why, he (Lord Brougham) said so too; and any one who reflected would see that it was an identical proposition. It must of necessity be true, whether any one chose to apply it invidiously or not. It was nothing new—it was no secret divulged — there was no novelty in it. It was utterly impossible to put down agitation by force until it broke out into unlawful acts. But the right hon. Baronet knew he might rely upon his countrymen; and if it should break out into unlawful acts, he was not the Minister who would shrink from putting it down by force—he was not the man who could by possibility have forgotten what his slanderers seem to have forgotten altogether, that where agitation was no longer the spirit of discontent, which could not be put down by force, but broke out into seditious acts—he could not have forgotten what it was convenient to them to forget, but he did use force, and that the use of that force was triumphantly successful. He (Lord Brougham) was by no means inclined to think agitation, before it broke out into violence, was not a serious evil. It was a great mischief to any thickly peopled country to have men's minds agitated by a disturbance of the public peace, so as to make it at any one moment a matter of risk that illegal acts should be committed. A good deal had been said

of the language used by Dr. Higgins; but he must say, he set that right rev. agitator's expressions down for no more than they were worth. And this he said because he recollected that, two Sessions ago, when he fulminated his wrath against the British Parliament and in favour of the Repeal of the Union, but which he (Lord Brougham) called the severance of the countries, he added to his protest the remark, that he owed nothing to the British Legislature but what he should be always ready to pay—his unbounded contempt. Now this same individual had, some years previously, signed—he would not say a fulsome—but a loyal and wholly complimentary address to the noble Duke opposite, to His Majesty and to the Parliament, for that great act of policy, the repeal of the Penal Code. That he might in the course of a few years discover that we were to be paid off in unbounded contempt, was possible; but it took considerably from the value of his opinion, and made him (Lord Brougham) rate it at what it was worth, and regard his praise at the same rate as his scorn. The argument that the Irish people had no right to be grateful for the grant of 17,000*l.*, because it did not amount to three farthings a head for the Roman Catholics of Ireland, would have been equally used if it had been 300,000*l.*; in which case, it would have been cavilled against as being only fivepence per head. But these men were not the indices of the Irish mind. They were not Ireland; they no more represented the sentiments of the people of Ireland, than those who associated together under the title of the people of England, being two in number, and who, when there were none others present than themselves—Mr. Wilkes and Alderman Sawbridge — issued their manifestoes, "We, the people of England." He did not consider those who made the most noise as the most to be trusted as representatives of the people. What their Lordships and the Government should do, was, to turn neither to the right nor to the left, not to go in chase of popularity, not to be disappointed when they lost it; to be glad and grateful when they obtained the thanks and the affections of their countrymen, but not to be disappointed if for the present they failed to reap that rich reward, being assured that the popularity which follows great actions is infinitely preferable to that which is run after; and that if they pursued such a course, they would deserve — ay, and, he would venture to say, would ultimately obtain—that reward.

Debate further adjourned.

House adjourned.

HOUSE OF COMMONS,

Tuesday, June 3, 1845.

MINUTES. BILLS. *Private.—Reported.*—North Woolwich Railway.

3ª and passed:—Glasgow Markets.

PETITIONS PRESENTED. By Viscount Duncan, from Bath, and by Viscount Newry and Morne, from Carlingford, for Better Observance of the Lord's Day.—By Mr. C. Bruce, and Mr. Morgan, from several places, against the Grant to Maynooth College.—By Mr. Morison, from Inverness, for Reduction of Tolls and Dues levied by Lighthouses.—By Mr. Ferrand, from several places, in favour of the Ten Hours System.—By Mr. Bailey, and Mr. Wilshere, from several places, against Physic and Surgery Bill.—By Viscount Duncan, from several places, for Alteration of Law relating to the Sale of Beer.

SERVICES OF SIR HENRY POTTINGER.] Mr. *Hume*, in rising to submit the Motion of which he had given notice to the House, said, he could assure the House that he did so with very considerable diffidence as to the propriety of the course he had adopted. He confessed he had expected that Her Majesty's Ministers would have saved him the trouble of bringing the subject before the House; but seeing that they had not done so, and entertaining strong opinons on the question, he thought it his duty to interfere. He was aware that the very Motion implied a degree of censure on Her Majesty's Ministers, if he were correct in the opinion he had formed, which was, that a public officer, entrusted with the most important duties, who had performed them to the perfect satisfaction of every individual acquainted with the country which formed the scene of his services, remained to this time unrewarded for those important services; and the object of the present Motion was to call upon the House to mark their sense of them by such a reward as might be deemed becoming their magnitude. He knew how hard it was for any individual in that House to bring forward any question to which Her Majesty's Ministers declared themselves opposed; and it was on that ground he felt he had taken upon himself a responsibility from which he could only be freed by finding that the House concurred with him generally in the course he had adopted, and sanctioned the Resolution he was about to propose. If he were asked whether he knew anything of Sir H. Pottinger or his friends,

his answer was decidedly that he did not. He had never had any communication with Sir H. Pottinger; he had only seen him in a public place, and consequently, whatever might be the result of this Motion, that gallant officer could not be held responsible for the opinions which he might express. The House would bear in mind that these opinions of his were not of this Session or the last; he had expressed them in that House on the 14th February, 1843, when Her Majesty's Ministers brought forward a Motion of Thanks to the naval and military officers who conducted the war in China, and spoke in a high strain of panegyric on the conduct of Sir H. Pottinger as the director of those operations. He ventured on that occasion to inquire of the right hon. Baronet, whether it was the intention of Government to take any notice of the services of Sir H. Pottinger, so as to afford the House the gratification of testifying their sense of his merits. The right hon. Baronet then stated his deep regret that he could not submit a Motion for a Vote of Thanks to the House, because there was no precedent for it in the case of any one employed in the diplomatic service of the Crown. If there was no precedent at that time for such a Motion, the right hon. Baronet had subsequently bound himself to such a precedent by supporting the Motion which he had submitted to the House with respect to the conduct of Lord Ashburton in concluding a Treaty, which appeared to him of the utmost importance to the welfare both of England and the United States. The Motion which he was now about to make was supported by fifty precedents. It would be impossible for him to recount to the House all the signal services of Sir H. Pottinger during a career of thirty-seven years in the East India Company's service. The Government, in withholding from that gallant officer such a reward as he was well entitled to, not alone on that ground, but as the director of the operations of our fleet and armies in the Chinese war, which he had conducted to so successful an issue, was acting against the known wishes of ninety-nine out of every hundred commercial men in the country. He could not help suspecting that some overpowering reason must exist to prevent the right hon. Baronet from doing an act of justice to an individual whose claims were in every way so pre-eminent. If Sir Henry Pottinger had not been employed in China, he would have been appointed to one of the governments in India at ten or twelve thousand a year; and, if the House would attend, he would tell them how he had actually been rewarded. On the ratification of the Chinese Treaty, he received the Civil Grand Cross of the Bath, and was nominated a Member of the Privy Council. These were honours, but what were the substantial rewards? He (Sir H. Pottinger) had enjoyed an appointment as Chief Commissioner in China for two years, at a salary of 5,000*l.* a year, and his whole permanent income was 490*l.* a year. His successor, Mr. Davis, who had nothing to do with the most important negotiations, enjoyed a salary of 6,000*l.* a year; while the man who had achieved all the good, who had opened the vast Empire of China to our commerce, remained on a paltry pittance of 490*l.* a year. This was surely not enough for a man who had so served his country, and through whose means, putting higher considerations out of the question, twenty-one millions of dollars had been paid by way of ransom into our Treasury. If precedents for granting pensions for such services were asked for, he could refer to many such, granted in consideration of diplomatic services, compared with which those of Sir Henry Pottinger were certainly neither less successful nor less brilliant. Such were the pensions enjoyed by the late Sir Gore Ouseley and the present Sir Henry Willock, to whom he meant nothing disrespectful in saying that Sir Henry Pottinger's services at least merited an equal testimonial of gratitude from the country. These examples showed that the House had upon former occasions acknowledged in this way the value of diplomatic services; and he hoped, therefore, that he had removed the objection which might be raised, that there was no precedent for such pensions. They were recognised by Parliament, and by legislation they had been respected. For extraordinary circumstances it was always competent for Her Majesty's Ministers to propose pensions for official and diplomatic services. Sir H. Pottinger had performed most important services; and he put it to the House whether those services had not been admitted by every individual in the country, not excepting Her Majesty's Ministers themselves. He would put it to the House whether Sir H. Pottinger had not concluded his negotiations in a most surprising and satisfactory manner with

the most cunning and artful people on the surface of the globe. Had not those services been performed in the most meritorious manner by Sir H. Pottinger's zeal and steady and unflinching conduct, after every preceding plenipotentiary had failed in carrying out the wishes of the Government? And was it nothing that Sir Henry Pottinger was the first man to conclude a commercial Treaty with the people of China, attended with so many advantages to this country—a Treaty which he (Mr. Hume) contended did the greatest honour to Great Britain; extending as it did the advantages which we received ourselves to every country on the face of the civilized globe? He spoke not his own sentiments only, for he believed that there was not a man in England who appreciated the blessings of peace but eulogized the character and conduct of Sir H. Pottinger. But he would particularly refer the House to the opinions expressed by Her Majesty's Ministers themselves. And first, he would quote the expressions used by the right hon. Baronet at the head of the Government, on the 14th February, 1843, who on the occasion of a Vote of Thanks for the Army in China being proposed, in which Sir H. Pottinger's name was not included, remarked—

"With respect to Sir Henry Pottinger, I think that the opportunity which I took on a former occasion of publicly acknowledging the sense entertained by the Government of the services of that distinguished man, must exempt the Government from the suspicion of wishing to throw any slight upon him..... And now, when others concerned in the same expedition are to receive a mark of public gratitude, I should be sorry to allow the opportunity to pass without repeating the sentiments I then expressed. I wish it had been consistent with usage to have included the name of Sir Henry Pottinger in the Vote."*

Again regretting that he could not vote him thanks, Sir Robert Peel continued—

"I can well enter into the feelings of this distinguished man—distinguished not only for his civil qualifications, but for his military service—when he sees this public acknowledgment of the brilliant achievements of his brothers in arms, and feels that he cannot partake in the thanks of Parliament.....We have, however, entreated him to remain until we can benefit by his opinions and advice upon many important matters connected with the adjustment of our future relations with China; and I assure the hon. Gentleman, that if Sir Henry Pottinger will recall his decision, and remain permanently in China, he will possess the entire confidence of Her Majesty's Government; and we should think that we had succeeded in making the arrangement of all others the most beneficial to the country."*

The gallant officer's merits were various. He was distinguished for his civil services in India, and on account of them alone he deserved the gratitude of the country. He would beg leave to remind the House in reference to Sir Henry Pottinger's claim to honours as a civil servant, of the opinion of Napoleon on such a subject, to be found in *Alison's* "*History of Europe.*" The hon. Member read the following extract:—

"In the Council held to frame the 'Code Napoleon,' it was proposed by Count Mathieu Dumas that the order of the Legion of Honour should be confined to military men. 'Such ideas (said Napoleon) might be well adapted to the feudal ages, when the chevaliers combated each other man to man; but it is science and skill which now determines the fate of nations. What is it now which constitutes a great general? It is not the mere strength of a man six feet high; but the *coup d'œil*, the habit of foresight, the power of calculation, in a word—civil qualities, founded on a knowledge of human nature, and suited to the government of armies; and the general who can now achieve great things is he who is possessed of shining civil qualities. The tendency of military men is to carry everything by force; the enlightened civilian, on the other hand, elevates his views to the perception of the general good. I have no hesitation therefore, in stating that, if a preference was to be awarded to one or the other, it belongs to the civilian. But if you confine honours to military men, you sink civilians into nothing.' Moved by these profound observations (says Alison), the Council agreed that the proposed honours should be extended indiscriminately to civil and military distinctions."

The right hon. Baronet at the head of the Government had not been alone in his testimony to the distinguished services of Sir Henry Pottinger. When Lord Aberdeen laid upon the Table of the Lords the supplementary Treaty with China, his Lordship said—

"And now he begged leave to advert to the very distinguished man whose labours had given these benefits and advantages to his country. He alluded to Sir H. Pottinger. It was impossible for their Lordships to imagine the difficulties and obstructions which Sir H. Pottinger had to encounter during this

*Hansard's Debates (Third Series), Vol. lxvi. p. 572.

*Hansard's Debates (Third Series), Vol. lxvi. p. 573, 574.

most arduous negotiation. Acting in a country so entirely new, and so entirely different from any in which his experience had previously been engaged, he had contrived (great and complicated as the difficulties were by which he was surrounded), by the energy of his character and by the activity of his mind, to surmount them all. And, what was most remarkable, in a country where suspicion and distrust were proverbial, he contrived to establish complete confidence amongst those with whom he had to negotiate, almost to a miracle. Great as were the benefits that had been secured to this country, he did not hesitate to say that they were mainly attributable to the personal energy and ability of Sir H. Pottinger. He was now about to leave the situation in which he had effected so much good; and he (the Earl of Aberdeen) was quite sure that his retirement must be the subject of deep regret to that House and to the Government, who would find it exceedingly difficult adequately to supply his place. They would, however, adopt such measures as would, he hoped, render the loss of this admirable public servant as little severe as possible."

But another Cabinet Minister (Lord Stanley), at a public dinner at Liverpool, had borne the following testimony to the merits of Sir Henry Pottinger:—

"I know not, Gentlemen, how far it is generally known, that though undoubtedly, at that time to the right hon. Gentleman was not entrusted the superintendence of any military and naval movements, yet to him a large discretion was given by the Government, which fully confided in his talent and ability, of saying at what period those naval and military arguments had attained to such a height as to lead to the introduction of more polished diplomatic intercourse, to say at what time the arms of Britain should be stayed, and how soon the process of negotiation might commence. And when that period arrived, honourable alike to the arms of Britain and to the humanity and forbearance with which they were wielded, Her Majesty's Government had but the gratifying task, step by step, of applauding and approving the discretion, the temper, the judgment, and the forbearance with which those delicate negotiations were subsequently conducted by the right hon. Gentleman. In that department the right hon. Gentleman was more peculiarly responsible to another Member of Her Majesty's Government; but I had the satisfaction in another point of view of being brought universally into connexion with the right hon. Gentleman. I saw his untiring labours and his zealous assiduity in forming or founding a new Colonial society—in supervising the foundation of a Colony where all was new and strange—where obstacles were to be encountered from mutual prejudices, from ignorance of each other's habits, from omissions upon the one side, and upon the other from unreasonable demands and exorbitant expectations; and I saw the right hon. Gentleman with satisfaction, in his civil as well as in his diplomatic correspondence, carry on 'the even tenor of his way' with the one fixed intention, and that boldly conceived and boldly executed, of obtaining the greatest advantages consistently with the honour and the good faith of his country. Gentlemen, there is one point to which the right hon. Gentleman, in his address to you to-night, has peculiarly adverted, although he has modestly abstained from stating the full share which he has had in it. I allude to that decision to which he came, and it is due to him I should say he came to it and acted upon it upon his own responsibility, and without instructions—not only not to demand exclusive privileges (for that he was prohibited from doing), but for inserting as a stipulation in the Treaty, that all other nations should alike partake of the commercial advantages which had been gained by this country by the power of British arms, and by the prudence of British negotiation.

. . . And, Gentlemen, I say it for myself—and I know I may say it also, for I have heard the sentiment repeated over and over again, for my right hon. Friend the Earl of Aberdeen—that it was to him and to me, in our several departments, a subject of the deepest regret when Sir Henry Pottinger's earnest entreaties induced us, or rather, I should say, compelled us to accede to a very strongly expressed desire of his, after so many years' service in distant countries, to return to his native land, there to enjoy, in the midst of his countrymen, the well earned honours which I am proud to see have been bestowed upon him; and, I can use no more emphatic language—

'To read his history in a nation's eyes.'"

He was at a loss to comprehend why any change should have come across the minds of Her Majesty's Ministers, who had pronounced those glowing eulogiums; and in the full confidence that he had made out his case, he would now conclude by moving—

"That this House will, upon Tuesday, the 24th day of this instant, June, resolve itself into a Committee, to consider the following Resolution:—That an humble Address be presented to Her Majesty, that She will be graciously pleased to grant such a pension as She shall think proper, to the right honourable Sir Henry Pottinger, Baronet, K.C.B., as a reward for his eminent public services, and especially for having, as Her Majesty's Plenipotentiary in China, brought the war in that country to a conclusion by a peace alike honourable and advantageous; and to assure Her Majesty that this House will make good the same."

Viscount *Sandon* seconded the Resolution. After passing a glowing eulogium upon the civil and military services of Sir H. Pottinger, the noble Lord, admitting the difficulty of dealing with Motions of this description, declared himself prepared in

consideration of those great services, not merely to the British nation, but to the cause of Christianity, to take this case out of the ordinary rule of civil routine. His opinion of the gallant Officer was fully confirmed, not only by distinguished and competent authorities upon the matter, but by the commercial prosperity which followed upon his eminent and successful services. In conclusion, the noble Lord begged to say, that this Motion was in no degree intended as a reproach to Her Majesty's Government.

Sir *J. C. Hobhouse:* I trust that the great anxiety which I feel for the success of this Motion, and the official connexion formerly subsisting between Sir Henry Pottinger and myself, when President of the Board of Control, may be a valid excuse for my speaking after the Mover and Seconder, without waiting to hear what may be said by the right hon. Gentleman opposite, in reply to the proposal made by the hon. Member for Montrose. And I must beg to premise, that I do not understand why my hon. Friend has anticipated, as a matter of certainty, that it is the intention of Government to oppose him on this occasion; for my part, I see no reason to come to such a conclusion; and I, for one, do not intend in the least to reproach the right hon. Baronet at the head of the Treasury, on account of his having allowed this proposition to be made by an independent Member of Parliament, instead of originating it himself. On ordinary occasions, indeed, the Ministers of the Crown are expected to make proposals of this nature; and if they do not make them, it is presumed they have some objection which would induce them to give a negative to them, if brought forward by others. But I can easily conceive a case in which the Minister may fairly wait to see what is the feeling of the House of Commons, before he considers himself justified in making a demand upon the national purse. Such I take the present case to be; and what I hope and believe is, that the Minister is only waiting for a decided expression of our opinion, in order to recommend to Her Majesty a compliance with the view taken by the hon. Member for Montrose (Mr. Hume), in regard to the suitable mode of rewarding the services of Sir Henry Pottinger. I do not pretend to be acquainted with precedents sufficiently to enable me to state the exact position in which the House of Commons now stands, in regard to the granting of such pensions. I would rather treat this as an extraordinary case, to be dealt with in an unusual manner; but, believe me, the House need not fear that, by adopting this proposal, we shall establish an inconvenient precedent. Ages may roll over the heads of our successors, before any similar service can possibly be performed; indeed, there is no human probability of a like duty devolving upon any one—there is no other China to be opened to the civilized world—there is no other third of the habitable earth, hitherto shut upon us, which now remains to receive the fruits of our industry and enterprise. What Sir Henry Pottinger has done cannot be done again; and if it were to be done again, it would be hard indeed to find a man so able and so willing, so peculiarly qualified to do it. My hon. Friend the Member for Montrose (Mr. Hume) has alluded to the peculiar services of Sir Henry Pottinger, previously to his being selected for the China mission; and I shall venture to give a somewhat more detailed sketch of them. Sir Henry Pottinger entered as a volunteer in the Indian navy, when only fourteen years of age, in 1804; but soon quitted the navy and entered into the military branch of the profession, in which he speedily distinguished himself, so much, that he was chosen to accompany the important mission, sent by Lord Minto into Scinde, in 1809. His zeal and activity, whilst so employed, recommended him to the late Sir John Malcolm, who ordered him, in company with Captain Christie, to explore the countries between India and Persia; and of this useful mission, undertaken in the years 1810 and 1811, he published an account, which made him known to the literary world, and gave him a claim to the discharge of still more important duties. In the Mahratta war of 1816 and 1817, he was appointed political assistant to Mr. Elphinstone, and served under that most distinguished functionary during the whole of that eventful period; and such was the opinion entertained of him by Mr. Elphinstone, that on the close of the war, he was appointed to superintend a portion of the conquered countries, a duty which he performed for seven years. He was next appointed Resident in Cutch; and the prince being a minor, administered all the departments of that province, having the power of life and death, and being absolute master of the country. In 1831, he was sent by Lord William Bentinck to Scinde, and negotiated with the Ameers the Treaties that opened the navigation of the Indus. He returned to Cutch, and was again

sent to Scinde in 1838, to frame with the Ameers the new Treaties rendered necessary by the preparations for the Affghan war. So eminent were his services during this critical period—so materially did he contribute to the complete and easy success of all the operations attendant upon the first passages of the Indus by the British army, that, when high honours were distributed to the principal civil and military functionaries at the triumphant close of the campaign, it was my pleasing duty to recommend Sir Henry Pottinger for a Baronetcy; and Her Majesty graciously conferred that distinction upon him. In 1840, he returned home; and, never shall I forget the effects produced, when, at a splendid entertainment given to Lord Keane and some of his companions, Sir Henry Pottinger acknowledged the attention paid to him, and apologized for his inaptitude in public speaking, from the fact of his having been for six-and-thirty years constantly employed in the service of his country, without having once left India. The quiet but manly modesty—the unaffected, the prepossessing simplicity of his manner and address, bespoke the superior qualities which we have since learnt fully to estimate; and made an impression not obliterated, in my mind at least, even by his subsequent exploits. In the early part of next year, 1841, my noble Friend the Secretary of State for Foreign Affairs, requested me to offer to Sir Henry Pottinger the important duty, the faithful and successful discharge of which, it is now proposed to reward. And here I must be permitted to mention what has, naturally, been hitherto known only to my late Colleagues and myself, that when this offer was made, Sir Henry Pottinger, though being in a most delicate state of health, did not hesitate at once to accept it, provided his medical advisers permitted him to do so; and when he had obtained their reluctant sanction, requested me to inform my noble Friend that he would undertake the office, stipulating only that the sole responsibility should rest with him—that he should have no Colleague—and that his instructions should be as precise as the nature of the circumstances would permit. And I must add a fact which will not fail, I am sure, to be duly appreciated by the right hon. Gentlemen opposite, that Sir Henry Pottinger, in accepting this delicate and difficult service, after so long a career of distinguished duty, made no sort of bargain for himself—he did not hint a word at any future reward, in case of success. He spoke only, and that but shortly, of his resolution to do his best, and his hopes of not failing. But although he forgot his own claims, that is no reason why they should not be remembered by us. He had, during his long and varied service, many an opportunity of making an Indian fortune; but he has always thought more of his duty—more of his country than of himself; and after forty years of noble labour, he has returned home with little more than a name—a glorious name indeed, that will ever be connected, imperishably, with one of the fairest and purest triumphs, not only of his own great country, but of civilization itself. Sir Henry Pottinger has indeed been duly honoured by his most gracious Sovereign; but those honours, in the sense in which we are speaking, although, no doubt, properly valued by him, prevent him from pursuing the course of Indian service, and are a positive injury to him. I believe I may say that had he not gone to China, he would have again filled some very high and lucrative situation in India. I have heard he would have been appointed a Member of Council; but what part can he now accept? He, a Privy Councillor, a Grand Cross of the Bath—can he go to a residency and receive orders from his inferiors in rank and service? No, and so it is; he is, we may say, crushed by his laurels; and after all he has done, is to retire with the pay of a Lieutenant Colonel; for though he has the brevet of a Major General—that is his rank. He that has opened China, and her 300,000,000 to British commerce, is to be left in a condition which, I lament to say, will not enable him to hold his proper place—I may almost say any place, in his own country—in that country to whose glory and prosperity he has so largely contributed! It is superfluous to dwell upon the value of his services in China—they are acknowledged by the whole world, and not only ourselves, but other nations have already hastened to reap the benefit of them. The liberality by which our success was made useful to our great rivals, has been said, and truly, to be without a parallel in the annals of nations; and although the instructions given to Sir Henry Pottinger gave him a latitude of action in that respect, yet much was naturally left to his own management and discretion. The hon. Mover has briefly alluded to the expressions of gratitude which Sir Henry Pottinger has received from various public bodies. I will venture to repeat them more in detail. Sir Henry Pottinger has re-

ceived Addresses, 1st, From the European and Native Inhabitants of Bombay, with Plate; 2nd, From the Chamber of Commerce of Bombay; 3rd, From the Merchants of London, with Plate; 4th, From the East India and China Association, with Plate; 5th, From the Merchants of Liverpool, with Plate; 6th, From the Mercantile Associations of Liverpool; 7th, From the Mayor and Burgesses of Liverpool; 8th, From the Merchants of Manchester; 9th, From the Mercantile Associations of Manchester; 10th, From the Mayor and Burgesses of Manchester; 11th, From 14,000 Operative Workmen in Manchester, signed in nine hours; 12th, From the Merchants of Glasgow; 13th, From the Lord Provost and Council of Glasgow, with the Freedom of the City; 14th, From the Lord Provost and Council of Edinburgh, with the Freedom of the City; 15th, From the Merchants of Belfast; 16th, From the Mayor and Burgesses of Belfast; 17th, From the Merchant Tailors' Company of London, with the freedom of the Corporation; 18th, He has had official intimation that the Freedom of the City of London has been voted to him, and is to be presented to him in a gold box at an entertainment. In addition to these honours, he has been publicly entertained at London, Manchester, Liverpool, Edinburgh, Glasgow, and Belfast; and I would close this enumeration with alluding to the most remarkable meeting, perhaps, ever assembled to do honour to a public man; I mean the dinner at Merchant Tailors' Hall —where men of all parties, Members of the late and present Cabinet—the heads of the commerce and trade of this vast metropolis, united to pay a just tribute of admiration and respect to this distinguished man. Far, far better than any words of my own can be, were those generous praises then bestowed upon him by one best able to appreciate him—I mean Lord Aberdeen. That nobleman, in a speech worthy of himself, and which I had the happiness to hear, thus spoke to the merits of Sir Henry Pottinger:—

"I have for three years been in constant correspondence with Sir Henry Pottinger, and it is no more than truth to declare that I think no mail ever arrived from China without bringing to me fresh reasons to be deeply sensible of his merits, and his just claims to the gratitude of his country. You may readily imagine, that in a country like China, so distant, so different in almost every respect from those of which we have any knowledge, with every desire on the part of the Government at home to assume responsibility, to give every kind of assistance, to provide by instructions for all contingencies; yet very much, under such circumstances, must always depend upon the judgment and discretion of the person who, on the spot, is to administer the instructions he may receive. I believe there never was a man in whom a Government and the country might more safely repose confidence in such a situation than Sir Henry Pottinger. And permit me to say, that when difficulties arose, as difficulties numerous and weighty did arise unforeseen and unexpected, by his ability, by his firmness, by his perseverance and energy, he was enabled to meet and overcome them all."

Such were the words of Lord Aberdeen; and if, after this eulogy, any testimony to the benefits conferred upon the country by the exertions of this gentleman should be thought wanting, I do not know that I can do better than quote the language used by the Lord Provost of Glasgow at the great entertainment given to Sir Henry Pottinger in that city. His words were—

"The manufactures of our city—the trade of our port—our intercourse with the East, have been much extended in consequence of his efforts; and although we cannot thank him in the high-flown language of the natives of the oriental regions where he has resided so long, we can thank him with great sincerity and cordiality of feeling, and tell him in the plain honest language of British merchants that he has done us good, and we are grateful for it."

Sir, the British merchants have shown their gratitude; it remains for the British House of Commons to show theirs. They are distributors, not only of honours, but other rewards; and though it behoves them to be anxious guardians of the public purse, and though the Ministers of the day must be more especially sparing of such grants, yet I have little fear of the result, and in the hands of the House and of the right hon. Gentleman opposite, I most willingly leave the decision on this appeal.

Sir *R. Peel* said, the speech of the right hon. Gentleman was a conclusive answer to that of the hon. Mover. It might have been inferred from the speech of the hon. Gentleman, and from his unjust and uncalled-for observations, that there was a disposition on the part of Her Majesty's Government to underrate the exertions and the merits of Sir Henry Pottinger. The House, however, would recollect that there had not been an opportunity afforded in that House on which he had not freely admitted those exertions and merits. He

did, however, state that he had not included the name of Sir H. Pottinger in the vote to Sir Hugh Gough and to Sir W. Parker, because it was so rare that the thanks of the House had been voted for civil or diplomatic services, and because there were often political considerations mixed up with diplomatic services; and he did not propose to vote the thanks of the House also to Sir Henry Pottinger, rather on account of the danger of establishing, or of rather continuing a precedent set by the hon. Gentleman himself, than from a desire to underrate the eminent services of this honourable man. He would put aside for the present the question of the pecuniary reward, though the hon. Gentleman thought that no recognition of public services would be complete without a pecuniary reward. When the present Government succeeded to office, Sir H. Pottinger was not personally known to them, but he was known by name and repute; and they wrote out to assure him that he should have the same full and unbounded confidence from them as he had had from their predecessors. The hon. Gentleman the Member for Montrose drew an invidious distinction between Sir Henry Pottinger and Mr. Davis. The hon. Gentleman said, that Sir H. Pottinger had only an allowance of 6,000*l.* a year, and that he had been distinguished for his military services, and that the same remuneration was given to Mr. Davis; but it was not because they gave a particular salary that they distinguished the individual; the salary was attached to the office, and not given to the man. Why, then, did the hon. Gentleman draw the distinction between the merits of Sir H. Pottinger and Mr. Davis? [Mr. *Hume:* I drew no distinction.] When the Govenment heard that Sir H. Pottinger wished to retire, they did not seek the patronage of the appointment; they besought him to remain. The health, however, of Sir H. Pottinger obliged him at length to retire, after a service in India alone of forty years. The Government were then bound to appoint a successor, and in that appointment they were influenced by no improper motives. They thought it important to select a man having personal experience of the country and the character of its inhabitants; and if the hon. Baronet the Member for Portsmouth (Sir G. Staunton) were in his place, he would admit that no improper motives had influenced the choice. In the course of his duty Sir H. Pottinger had shown the greatest discretion and moderation; the Government gave him the most ample credit for that exhibition of justice and moderation, which had obtained for him the complete confidence of those who would not otherwise have dealt with the "barbarians," as they called us; they gave him equal credit for the discretion and forbearance with which he treated some of his own countrymen, and they knew not which to praise the most, his moderation towards the Chinese, or his firmness towards his own contrymen. With respect to the hon. Gentleman's remarks on the admission of other countries to the benefits of the improved intercourse with China, no doubt Sir H. Pottinger was desirous of extending those benefits to all nations; but it was due to his noble Friend Lord Aberdeen, and to the noble Lord whom he succeeded, to say that one of the first acts of the present Government was to send out a despatch, dated 4th of November, 1841, to the same effect as a previous despatch of the noble Lord opposite, in which the Government said, "To secure a well-regulated trade is all we desire with China;" and further, "We seek no exclusive advantage; we demand nothing we will not willingly see enjoyed by the subjects of other States." No doubt Sir H. Pottinger, without those instructions, would have acted upon their spirit. I believe, however, that those instructions were conformable to the previous instructions of the noble Lord opposite. Let it be said, therefore, to the credit of the whole country and of all parties, that there was no wish, that there was not, on the part of any one, a desire to secure for ourselves in our intercourse with China, any peculiar or exclusive privileges. One desire was manifested by the noble Lord as the representative of the late Government; by his noble Friend as the representative of the present Government; and by Sir Henry Pottinger himself. Let it be known, then, throughout Europe and the world, that there was no party, that there was no man in the country who wished, on the termination of hostilities in China, to secure any narrow advantage, or one in which all nations should not participate. It would be inferred from the speech of the hon. Gentleman, that the Government had withheld from Sir Henry Pottinger something which they

had it in their power to confer. He (Sir R. Peel) had not stated that Sir H. Pottinger had had the dignity of a Baronet conferred upon him on account of his services in China—that dignity was conferred for his long services in India; but, for his services in China, the Crown had conferred upon him the highest and the most honourable distinction in its gift—except the Garter, which it could not bestow—when it created him Grand Cross of the Bath. The hon. Gentleman might think this an inadequate reward; but the value which Sir Henry attached to it was, because it was a proof of the approbation and the favour of a gracious Sovereign. Again, Sir Henry was made a Privy Councillor. The hon. Gentleman said, that this honour was useless unless it was accompanied by a grant of money; but, he believed, that Sir H. Pottinger was proud of it, not from any personal vanity, but, as an additional mark of his Sovereign's approval. Further, when from the state of his health, Sir Henry was about to return home, the most marked and significant terms were used to convey to him the grateful acknowledgments for his services to his country. Except the particular reward which the hon. Gentleman advocated, there were no rewards and no honours which were withheld. The hon. Gentleman said that they might have conferred a peerage; but he was not quite sure that hereditary honours were always a suitable reward for services in such a case as this. He then came to the question of the pecuniary reward. It would be inferred from the speech of the hon. Gentleman, that the Crown had the power of granting a pension to Sir H. Pottinger, and that this power had not been exercised. Such was not the fact. If the Crown had the power of granting a pension, he would not have hesitated to advise the Crown to confer it; and he would have been tenfold more ready to do so after the disclosure by the right hon. Gentleman of the facts which the modesty and forbearance of Sir H. Pottinger had hitherto concealed from the Government. The Crown had the power to grant the pensions to Sir Gore Ouseley, and in the other cases referred to; but it had not the power in this case. It was all very well for the House of Commons to say that the Crown was niggardly; but who imposed those limitations on the Crown? Why, the House of Commons and the hon. Gentleman. The Crown could not grant a diplomatic pension to any one, whatever might be his merits or services, unless he had been in the diplomatic service for fifteen years, and had actually served for ten years, nor could the Crown appropriate more than 2,000*l.* for any such pension. Now, what was the power of the Crown to grant pensions on the Civil List? For claims on the Royal beneficence, for personal services to the Crown, for eminent public services, and for useful discoveries in science, Her Majesty was limited to grants amounting to 1,200*l.* per annum in the whole. But it was asked, why had not the Government come down to the House, and asked for a special grant of an additional pension? Why, there was not a week in which a similar and really meritorious claim could not be made. Take the case of the family of Sir W. Nott, who, after an exhibition of constancy and valour and success which entitled him to reward, returned broken in health, and unable even to receive the expression of public gratitude, or to be presented to his Sovereign; who left two daughters, to whom the East India Company had granted 100*l.* a year each; what a case might be made out for him? Or, again, the daughter of an eminent Professor who died the other day in the execution of his public duty at the Royal Society. The House must admit these claims; but it had not given the Crown the power of meeting them; and there were numbers of unobtrusive cases, not so marked as Sir H. Pottinger's, but highly deserving—men, for instance, who devoted the best years of their lives, not to the acquirement of money, but the perfection of mechanical science—and left their families in distress. Was the Minister to be always coming down to the House for a special grant? A period might come when the Legislature might extend the discretion of the Crown; but meanwhile he (Sir R. Peel) was unwilling to establish a precedent capable of so extensive an application. The general rule was, that while public servants remained in health pensions should not be granted, the Crown having offices to bestow, implying great trust and confidence, and carrying a proportionate reward. Sir W. Parker, for instance, was still retained in the service of the Crown; and at the first opportunity for the employment of Sir H. Pottinger, he (Sir R. Peel) should think no man better qualified for a mark of the

favour of the Crown, and no one fitter to be entrusted with the public service. The question now was, whether the House was to make a precedent of a special grant, usurping the prerogative of the Crown to reward public servants. On the whole, however, considering what appeared to be the general feeling of the House—considering that Sir H. Pottinger was withdrawn from India, and thereby lost the advantage of continued service in a diplomatic capacity—considering that the grace and favour of the House of Commons ought not to be impeded by the servants of the Crown—believing that they had done their duty in opposing their own personal wishes, which must be in favour of the liberal reward of a public man, he (Sir R. Peel) should be sorry there should be any division of opinion on the subject, and therefore he should not oppose a compliance with the wishes of the House. He should take upon himself to advise Her Majesty to make a provision for Sir H. Pottinger, as a reward for his eminent public services.

Lord *J. Russell* was rejoiced at the conclusion at which the right hon. Baronet had arrived; and if he added a word it would be to express his own opinion on the question, that instead of any reproach falling on Government for neglecting Sir H. Pottinger, it had been forward to recognise his merits and reward his services. He hoped, therefore, that nobody would think there was any party in the House disposed to find fault with the right hon. Gentleman and his Colleagues for the course they had pursued. If Sir H. Pottinger had not been employed sufficiently long to entitle him to a pension, he (Lord J. Russell) apprehended that the eminence of his services ought to make up for any brevity in their duration. He admitted that the general rule had been correctly stated by the right hon. Baronet; but he held this to be an extraordinary exception. It was impossible to state the services of Sir H. Pottinger more strongly than they had been admitted by the right hon. Gentleman; but with regard to the instructions under which Sir H. Pottinger had acted, as respected exclusive privileges of trade, it was but fit to state that his noble Friend (Lord Palmerston), in one of his original despatches to Captain Elliot, had used these words:—"You will bear in mind that the British Government does not desire to obtain for British subjects any exclusive privileges of trade, which could not be extended to the subjects of every other power." In this spirit the Treaty had been concluded by Sir H. Pottinger, and he (Lord J. Russell) was happy now to find that his merits were not only universally acknowledged, but were to be substantially rewarded.

Viscount *Palmerston* could not allow the discussion to terminate without stating his great satisfaction with the determination at which the right hon. Baronet had arrived. That determination was as honourable to Ministers, as it must be gratifying to the gallant Officer. He, too, acquitted them of any backwardness in originating the proposition for a pension. He admitted the force of the observations of the right hon. Baronet; the result must be even more satisfactory to the gallant officer, his hon. friend, than if the subject had not been made a matter of discussion; the reward would thus appear, not merely the gift of the Crown, but the suggestion of the Representatives of the Commons of England. He apprehended that no inconvenient risk would be incurred by the establishment of this precedent; for the case stood on strong, but purely exceptional grounds. The concession would come within the spirit and principle of the Statute, though it might not fall within its strict and technical letter. If Sir H. Pottinger had resided only for a few years longer as our Minister to China, no difficulty could have arisen; and the shortness of his services was the only objection to the just reward of them. The truth was, that he had performed great public services in a briefer period than was contemplated by the Act. As to other cases of unknown merits and obscure claims which deserved, but did not obtain, a pecuniary acknowledgment, it might be observed, that rewards were not bestowed so much on the principle of personal desert, as on that of the amount of public benefit conferred. Two stipulations made by Sir H. Pottinger with the noble Earl at the head of Foreign Affairs had been alluded to; but to him Sir H. Pottinger had proposed a third, with which, as the reasons for it were too apparent, he could not refuse to comply: it was, that as he had just returned from India on account of ill health, and as he much feared it might still farther suffer from his new duties, he should not be asked to remain on the Chinese

station after he had rendered the good service he hoped to perform by the accomplishment of his mission. The only circumstance that excited any regret or doubt in his mind, when he took leave of Sir H. Pottinger, was his apparent situation, from which it appeared but too plain that he was unfit to contend against the unwholesome climate which his desire to perform a great public duty had induced him to brave. He had carried out his instructions to the very letter. It was impossible for any man placed in so responsible a situation, to have acquitted himself in a manner more honourable to himself, or satisfactory to his country. The vote which they were about to come to would be alike honourable to all parties concerned in it: to his hon. Friend who had originated the Motion—to the Government who had supported it—to the House of Commons who had given their unqualified approval of it—and to the individual who was the subject of it; and he was sure that there had seldom been a vote which had been more satisfactory to the country at large than that which they were about to come to would be. It might be said that pecuniary rewards were not those to which such men as Sir H. Pottinger would look; but it was conformable to human nature—it was expected and approved of by society—and was in accordance with the practice of the country. When a great victory was obtained by a general or an admiral, he was rewarded by a pecuniary grant; and such a proceeding was sanctioned, not only by custom, but sound policy. He must, in conclusion, say that he was glad to find that the hon. Member for Montrose, who, it was well known, carefully watched the expenditure of public money, was so sensible of the merits of Sir H. Pottinger, as to become the originator of the Motion before the House.

Mr. *J. A. Smith* eulogized the conduct of Sir H. Pottinger. That gallant officer was no party to the Motion before the House; and it was, therefore, the more honourable and gratifying to him.

Mr. *Ross*, representing, as he did, the town which gave birth to Sir H. Pottinger, might be excused for bearing testimony to his merit, and saying that he most cordially supported the Motion before the House.

Mr. *P. Howard* said, that the family of Sir H. Pottinger were connected with the county of Cumberland; and he might, therefore, plead a similar excuse to that of the hon. Member for Belfast for adding his meed of praise to the encomiums which had already been passed on the conduct of the gallant officer. He approved of the manner in which grants of public money were now made by the Crown; and he thanked the Government for the course which they had taken on the present occasion.

Mr. *Hume* was sorry that the right hon. Baronet had not communicated his determination to him an hour before the House sat, as he should then have been prevented from encroaching so much as he had done upon the time of the House. He was pleased beyond measure to find that the Government had come forward to sanction the proposition which he had made. The course which the right hon. Baronet had taken was most prudent and praiseworthy; and, as he had given his assent to the Motion, he (Mr. Hume) hoped it would be carried *nemine contradicente*.

Resolution agreed to.

PECULIAR BURDENS ON LAND.] Mr. *Ward* rose to bring forward the Motion of which he had given notice. If it were not for the peculiar aspect of the House, which imported premature dissolution, he might congratulate himself upon the successful issue of two Motions on that (the Opposition) side of the House. He did not observe on the opposite Benches the antagonists whom he was in the habit of seeing there upon all agricultural questions. There certainly was one of them in the gallery (Sir John Tyrell), of whose presence they had had a most unequivocal indication. He was sorry to be obliged to allude to that hon. Gentleman in his absence, and also that he was compelled to bring forward his Motion, notwithstanding the paucity of his usual opponents. The notion of there being peculiar burdens on land was now the last of the agricultural fallacies. The right hon. Baronet the Secretary of State for the Home Department, in his speech the other night, had proved that wages had risen as the price of bread had fallen; he had shown that cheap bread did not produce cheap wages; and he had also told his agricultural friends pretty distinctly, that employment did not depend on the home market. The hon. Baronet had, in

fact, swept away all the minor fallacies like so many cobwebs, and had left this great master fallacy of the peculiar burdens upon land, as a solitary remnant of the wreck, to tell of the disappearance of its former comrades. He should not be surprised to find the right hon. Baronet, ere long, using language towards his hon. Friend the Member for Stockport similar to the compliment which the right hon. Baronet the First Lord of the Treasury had paid to the hon. Member for Montrose, when he said—

"I admire the hon. Member for his zeal and his industry; and, differing, as I do from that hon. Gentleman on political questions, I do say that he has rendered great services to the country. I am a political opponent of that hon. Gentleman, who never gave me a vote in his life; but I am only anticipating the judgment of a grateful posterity when I say that, actuated by high, pure, patriotic, disinterested motives, he has rendered important services to the country."

Mr. M'Culloch had said—

"Land is a species of property that cannot be concealed; it is visible to every one; and the fair presumption consequently is, that it will be more heavily taxed than the capital of the manufacturer or merchant, which it is frequently very difficult to trace."

The allegation that the land pays the larger portion of the burdens of the State, might be true if applied to Austria, where the land paid 37,000,000 out of 73,000,000 of florins to the revenue. It might be true in the case of France, where the tax on land amounted to no less than 268,000,000 of francs in the year 1842; but it was not applicable to this country. In France, all classes joined in legislating for the landed interest; but in England they had the landed interest legislating for itself; and the result always showed that it had no great desire for burdening itself, except as little as possible. It was on that account that those who were brought up in the school of the Corn Laws avoided as much as possible any discussion on the subject of the peculiar burdens which it was alleged were imposed upon them. They knew the weakness of their case perfectly well, and they, therefore, did not come near the House when the question was to be discussed there. They shrunk from discussion; they ran away; they did anything rather than meet the question. And why? Because they knew how rotten was the case which they had to support. They had a bold way of speaking among themselves, that really meant nothing at all, while they shrank from any inquiry into the question in a place like that House, where they knew that they would be met and answered. But he did not wonder at it. The history of the protection, the continuance of which was insisted on by the landed interest in that House, was such as to leave them no other alternative. He would ask of hon. Members to bear with him for a few moments while he went through a review of the proceedings of the protectionists for the last few months. It was well known that the Chancellor of the Exchequer would have a large surplus to deal with at the commencement of the present Session, and the landed interests did not neglect the opportunity—in accordance with their usual policy—of seeking to acquire a portion of it for their own benefit. The landowners did not lose one moment in making their demand. He did not forget the great meeting, as it was called, which was held at Freemasons' Hall, of which the *Morning Post* of the morning following said that it contained—

"Nine hundred selected representatives of the agriculturists of Great Britain, at great personal expense and inconvenience, met to record their unqualified condemnation of the free trade tendency of modern legislation, and their firm determination to permit no Minister to infringe one iota of the small fraction of protection still left to them."

It also added that—

"The speeches were pregnant with matter," and spoke of "facts and arguments of the most irresistible character; no tameness, no hesitation, no paltering—a glorious combination of all that is great and good against all that is insidious, and factious, and detestable."

But what were the objects of their hostility? Listen to the sentiments of some of the speakers. Lord Beaumont said—

"A Parliament, which he was ashamed to call agricultural, had passed three fatal measures—the Corn Law, the Canada Corn Bill, and the Tariff—and for this sacrifice on their part there had been no gain to compensate it, no removal of burdens."

Mr. Miles said—

"All classes taken in detail by the Tariff, and all injured."

And, again, speaking of the Canada Corn Bill he said—

"If they combined to make an attack upon that abominable measure, they would do much

to remove a source of past injury, pregnant with future danger."

The Duke of Buckingham spoke of "hopes and expectations blighted — but, thank God, a stop had been put at last to the plunder of the agriculturists." Happily these things were of no sort of consequence. It was but a safety valve, an agricultural saturnalia; but the liberties which were taken with the good name of the right hon. Baronet opposite (Sir R. Peel) were made up for by the most implicit acquiescence in his policy. The right hon. Baronet sets the Buckingham election against the Duke's speech—the vote for the Budget against the repeal of the Tariff and the Canada Corn Law—and has the best of the bargain. But the mischief done by meetings of this sort in the country were incalculable. People ran away with false notions, coupled them with great names, and fancy that they were ruined because Lord Beaumont and the Duke of Buckingham told them so, instead of seeing that they were suffering under the consequences of their own legislation. An instance of this was afforded by the Herefordshire agricultural meeting. He was always proud of his own county. And they appeared to have there a happy knack at out-Heroding Herod, whether they dealt with corn or Catholics. Some of their calculations were perfectly "impayable." Mr. Passingham said, that "agricultural property was depreciated at least 25 per cent. by Sir Robert Peel's measures." Mr. Hainworth "calculated that by the Corn Law and the Tariff as much as 60,000,000*l.* had been taken from the agricultural capital of this country." Mr. Delme Radcliffe—

"appealed to the agriculturists throughout the length and breadth of the land, whether their interests had not been spurned and despised by the very Ministers whom they had raised to power. They might say with the eagle, killed by the shaft feathered from his own wing—

'Keen are our pangs, but keener far to feel
We nursed the pinion that impelled the steel.'

There was no difference between Sir Robert Peel and Mr. Cobden, or rather the only difference was this—that the one was an important foe, the other all powerful for mischief."

And Mr. Heathcote, extending the compliment to that side of the House, said, "there was little hope in a change of Government. Sir Robert Peel and Lord John Russell, like Herod and Pontius Pilate, had long ago shaken hands to betray the truth." Lord Salisbury, who was more reasonable, said—

"The only object of the agriculturists was to secure that protection which every other trade enjoyed in proportion to the peculiar burdens of taxation which they had to bear."

Mr. Ryder, who was the only man who talked common sense, gave an answer to the "sixty millions" of depreciation by saying—

"That there were only 3,700 beasts imported, being but one week's supply for London, and 227,000 quarters of Canada corn."

He then added, that—

"When it was understood that the Ministers had a surplus, and intended to remit a portion of the existing burdens of the country, he (Mr. Ryder) and others looked carefully over the list of those burdens, and he confessed that they could not lay their fingers upon one which specifically bore upon the agricultural interests; at, least there was but one—the Malt Tax—and that it was clearly impossible for the Minister to abandon."

The condition of Hertford served as the type of the confusion that existed as to the results of their own legislation. But who could pity them? If they could fix prices, they were justly responsible for not fixing them more satisfactorily. If they could not, why not tell the farmers that they had been labouring under "an awful delusion," and that their prosperity must depend upon that of the country. He would next come to the meeting, which had been held at Chelmsford, of the Protection Society for the county of Essex; and really the confusion at the tower at Babel was but a joke in comparison to that which was witnessed there. They did not know why they were called together — who called them—what they were called for—or what they were to do when they had come. [The hon. Member read the account of their proceedings, which corresponded to his description.] When they had declarations of that sort emanating from gentlemen in the country, who, he supposed it would be admitted, were interested in the question, he would ask hon. Gentlemen in that House, whether it were not time to have done with the nuisance? The whole question was reduced to this: Had the landed interest, or had they not, peculiar burdens affecting them, and which they were entitled to call upon the Legislature to remove? He asked them to discuss that question. He asked them to enter into it that evening, fully, and fairly and man-

fully. Would they do so, or would they shrink from the discussion again, and let another Session pass by—for it could not be more—without the courage to face the inquiry which he demanded? They were told by an hon. Friend of his, in a recent debate, that improvements were necessary in agriculture, and that they could not expect to have them made as long as the present system of protection continued. They knew that they could not improve the land without capital; that they could not get capital until the cultivators had the protection of leases; and that men would not take leases until they knew what was to be done with the Corn Laws. He was speaking a few days since to an extensive farmer in his own neighbourhood, whose name he would not, for obvious reasons, mention. That gentleman told him that he had long been opposed to a repeal of the Corn Laws; but he added that nothing could be more injurious to agriculturists than the perfect uncertainty in which the question now existed. Hon. Gentlemen opposite never had a better Parliament for deciding on the matter for their advantage than the present; but if they refused doing so, how many years, he would ask, would they assign for the existence of the present law? Were not the opponents of free trade losing ground every day. Did not an hon. Member opposite (Mr. Escott) make an admirable speech the other night against the Corn Laws? The Gentleman to whom he had before alluded mentioned a remarkable instance of the value of improvement in agriculture. He had told him that on an Essex heavy land farm, the average produce under the old system of two white crops and a fallow for twenty years, ending in 1833, was twenty bushels of wheat and twenty-four bushels of barley; while under the new system, on an average of eleven years, the produce was—wheat thirty bushels, and barley forty-two bushels. Now what was the obstacle to making this great improvement general? It was clearly the Corn Law. He asked for an inquiry into the fact. He wanted nothing more; and surely the House was entitled to know something about those burdens on agriculture of which they heard so much, and which were taken as the basis of their most important legislation. When the right hon. Baronet (Sir R. Peel) introduced the foundation of the present legislation in February, 1842, he said—

1. "You are entitled to put such a duty on foreign corn as is equivalent to the special burdens which you impose upon agriculture. 2. But an additional protection to agriculture can be vindicated only on the ground that it is for the interest of the country in general."

But the interests of the country gentlemen had been of late completely given up by the right hon. Baronet the Home Secretary. If hon. Gentlemen were capable of following the argument of the right hon. Baronet, they must perceive that it went to the extent which he alleged. They appeared, however, not to be willing to believe either the right hon. Baronet or him (Mr. Ward); but he would tell them that their case was equally damaged by themselves in refusing inquiry, and in the extravagance of their own pretensions—pretensions which were most absurd and untenable. He would just recall some of the arguments. Lord Abingdon said that "the land bears all the burden of taxation;" and when he was interrupted in his remark by some expression of surprise, he qualified the statement by adding, "at least, in the ratio of four to one." Then came the hon. Member for Somersetshire, who asserted that "the land pays half of the Income Tax;" and he was followed by the hon. Member for Norfolk, who contended that the land paid the whole of the poor rates. The Duke of Richmond said, that the land paid all the charge of the Church and of the administration of justice, from the constable to the workhouse chaplain. "On what principle was the landed interest required to pay for the apprehension of every prisoner, for his maintenance in prison, and for his prosecution?" The landed interest did not do this: the county rates did it; and the county rates were part of the poor rates, one half of which was paid, not by the land, but by other property. Then came the Duke of Newcastle—"the Premier that is to be," "the coming man," who thought that—

"As far as my recollection serves me, not one good measure has passed since the entrance into office of the present Administration. The *amor patriæ* extinct—the *amor sui* its substitute. Land utterly neglected. . . . . The cultivator of the soil is in utter despondency and alarm. He has long been the most ill-used and most neglected of our fellow-subjects. He knows not how to act. He feels, from sad experience, that he, who is the mainstay of the country, is buffeted about in bewildering uncertainty, knowing that he is not protected or encouraged, but milked like

his own cows, or shorn like his own sheep, to pay, mayhap, some Popish Endowment or other misapplication of his contributions."

That was a touching picture, wanting nothing but truth to give it sublimity. But was it the fact that the land bore all the burden of taxation? On referring to the gradual increase of the Customs, he found that the amount in the following years stood thus:—1596, Elizabeth, 50,000*l.*; 1613, James, 148,000*l.*; 1689, William III., 781,000*l.*; 1763, George III., 2,000,000; 1815, 11,000,000*l.*; 1842, 22,850,000*l.*; giving a rise from £0,000*l.* to 23,000,000*l.* in two hundred and fifty years, a pretty effective contribution to revenue. But they were told that land paid more than half of the Income Tax. By the Papers moved for by the hon. Member for Wolverhampton, he was able to make the following analysis of the Income Tax:—

REAL PROPERTY—ENGLAND AND SCOTLAND—ANNUAL VALUE.

	£.	s.	d.
Land — England and Wales	40,167,088	5	7½
Scotland	5,586,527	13	3
	£45,753,615	18	10½
Tithes	1,960,330	0	0
Manors	152,216	0	0
Total land	£47,866,161	18	10½

OTHER PROPERTY.

England and Scotland —Houses, factories, wharfs, business premises, &c.	38,475,738	0	0
Quarries	240,483	0	0
Mines	2,081,387	0	0
Iron Works	559,435	0	0
Fisheries	58,114	0	0
Canals	1,307,923	0	0
Railways	2,598,942	0	0
Other Property	1,776,296	0	0
Total Annual Value	£47,098,288	0	0

M'Culloch stated in his last work on "Taxation" that Schedule A having produced 2,150,412*l.* 10*s.* 9*d.*, at 7*d.* per 1*l.*, must have been assessed on 73,728,430*l.*, instead of which, the real property return proves the annual value of property included under Schedule A to be, 95,284,497*l.*; of which land paid as nearly half as possible.

Schedule A—Net duty received April 5, 1843, £2,150,412 10 9.			
Land one half	1,025,206	5	4½
Add Schedule B — Tenants' profits	298,763	0	0
Total paid by land	£1,323,969	5	4½
Net duty received under Schedule D. April 5, 1843—Trades and professions.	1,466,985	9	8
Under Schedules A and B—Land	1,323,969	5	4¼
	£143,016	4	3¼

So that land, instead of paying all the Income Tax, or half, actually pays less by 143,016*l.* than the amount received from trades and professions. Then came the argument of his hon. Friend the Member for Norfolk, respecting the poor rates being paid by the land. In the last Report of the Poor Law Commissioners, he found it stated that—

"There is no doubt that the yearly produce of the rateable property of England has undergone a very great increase since 1813; and that its annual progress is now rapid. The total annual value of real property assessed to the Property Tax in 1815 in England and Wales, was 51,898,423*l.*, whereas the amount in 1843 was 85,802,735*l.* It is further to be observed, that the increase in the annual value of rateable property arises, not only from the improved cultivation of the land, and its consequently increased productiveness; but also, to a great extent, from the large number of new houses and other buildings (such as manufactories and warehouses), as well as railways, canals, wharfs, &c., which are constructed from year to year. Accordingly, land, as such, pays a smaller proportion of the local rates in each successive year; and a larger proportion falls on the other sorts of rateable property. This fact appears from the table inserted in our Ninth Annual Report, par. 27, which shows, that whereas the proportion of the poor's rate falling upon land was 69 per cent., and that falling on other property was 31 per cent.; in 1826, the proportion falling on land was only 52 per cent., and on other property 48 per cent., in 1841."

By a reference to the present year, he was told, it would appear that the proportion paid by the land was still smaller. Mr. M'Culloch, in his recent "Treatise on Taxation and the Funding System," has the following remarks:—

"Exclusive of tithe, the land is burdened with an extra weight of other taxes. Poor rates and county rates of all descriptions have always fallen much heavier on it than on any other species of fixed property; and, though within the last few years some of the more striking anomalies in their assessment have been removed, they still continue to press with disproportioned severity on the land. Moneyed fortunes also, and funded and other moveable

property, are exempted from all local burdens. An individual may have 100,000*l.* engaged in trade, or vested in the public funds, in mortgages, or in stock of the Banks of England or Scotland, without being subject to tithe, or to any of those taxes for the poor and other local objects that fall on the owner of the smallest patch of land, as well as on most other descriptions of fixed property. There may be reasons to justify this exemption; but the fact of its existing proves sufficiently that land and other fixed property is peculiarly affected by taxation. It will be afterwards seen that the malt tax, though of course it falls directly on the consumers, is, in its indirect operation, particularly injurious to agriculture; and, being a grievance peculiar to this department, it would entitle the agriculturists, had they no other claims to urge, to a countervailing duty on the importation of foreign corn. Such being the case, the agriculturists are clearly justified in demanding, in the event of the free importation of corn being permitted, that it should be burdened with a fixed or constant duty sufficient to countervail the peculiar charges that would fall on the land, were the ports unconditionally opened. It is impossible to refuse them this, without trampling on every fair principle. Such protection is not given to the agriculturists as a favour, but to keep them where they have a right to be kept—on the same level as the other classes of their countrymen. If they be relieved from these peculiar burdens, the necessity for the countervailing duties will of course cease, and they may, and indeed should, be repealed forthwith; but the equalization of taxation at home should, in all cases, precede the repeal of duties on importation. It is not possible, perhaps, to form any very accurate estimate of what the countervailing duty should amount to; but it would not, we apprehend, be difficult to show that, by fixing it at 5*s.* or 6*s.* a quarter on wheat, and other grain in proportion, the justice of the case would be satisfied, and the interests of the agriculturists and those of the public conciliated, and most effectually promoted. A duty of this amount would preserve all parties in the same relative situation after the opening of the ports as previously; and would treat them, as they should ever be treated, with equal and impartial justice."

As to the tithe, he would leave it altogether out of the question; for he regarded it as a charge to which the land was liable, before the title of the oldest Norman Baron commenced. He trusted, therefore, that he should never see the example of Ireland followed, and 25 per cent. of this tax sacrificed to the landlords, who had no claim to it. With respect to the malt tax, that certainly was a very fair subject for inquiry. As for the poor rates, he differed entirely from the opinion of Mr. M'Culloch, and he saw nothing that justified such a distinction being drawn. The valuations and the deductions for poor rates were the same on different descriptions of property, and if landed property paid more, it was because that description of property was more valuable. He had gone over this subject with great care, and he had been most anxious not to deceive himself on the point, and had made the strictest inquiry into the matter. He would take a parish with which he was connected, and which was partially agricultural, and which contained a comparatively large town, namely, Ware, in Hertfordshire, where a great trade in malt was carried on; and he found that the same principle as regarded rating existed with respect to both description of property. He found that farms containing 697 acres were assessed at 725*l.*, and were rated at 576*l.* 14*s.*, deductions being made for insurance, repairs, &c. There had been for the last two years three poor rates at a shilling in the pound each year, being for each rate 28*l.* 16*s.* 8*d.* for the year, or 86*l.* 10*s.* for the whole period. The surveyors' or highway rate, at eightpence in the pound, one rate each year, was 19*l.* 4*s.* 6*d.*; church rates, at fourpence in the pound, 9*l.* 12*s.* 3*d.* The county rate, assessed at $1\frac{1}{2}d.$ in the pound, with the police rate, assessed at $1\frac{1}{4}d.$ in the pound, upon the rental of 725*l.* was paid out of the poor rates. Another farm, containing 148 acres, was assessed at 219*l.* 10*s.* 6*d.*, and rated at 174*l.* 5*s.* 6*d.*; and the rates amounted to 34*l.* 17*s.* 6*d.* On the other hand, he would take a malting establishment in Ware, belonging to the same owner as the former property, which was rated at 202*l.* Another malting house was rated at 149*l.* 10*s.*; and a third at 135*l.* Now, it appeared these paid 40*l.* 19*s.* rates per annum. Maltings were rated according to the quantity, the steep at 2*l.* per quarter, so that if a malting steeps 50 quarters, it was rated at 100*l.* Malt steeps were rated at about 2*l.* per steep, of which 110 belonged to one firm, and were rated at 220*l.* Now, this certainly might be considered equal to the rating of land in the neighbourhood. On inquiry, also, he found that the same was the case in the neighbouring districts of the county. The tendency, however, was rather to benefit the land unduly at the expense of the other interests. For instance, this was particularly the case as regarded railways. The rates upon that description of property had be-

come an enormous abuse, and the spread of the evil could only be prevented by expensive legal process. Indeed, in assessing railways, the first principle seemed to be that a railway had no remedy. The rating was taken on the profits of capital and stock. This was different from other interests; for all other stock in trade was specially exempted. He would instance what he meant, in the case of the Birmingham railway, with respect to which the rates were arbitrarily increased in 1843 not less than 18,000*l.* a year. The average rateable value of the land in parishes through which it runs, was 30*s.* 3*d.* per acre. The whole rate per mile for the railway was from 800*l.* to 2,000*l.* a year, or from 80*l.* to 200*l.* per acre. He would take the parish of Milton, where the railway paid 2,000*l.* per mile, or on ten acres, while the rate on the whole of the rest of the parish was 1,355*l.* Again, take the Great Western: he found that in the parish of Burnham, Bucks, the railway paid rates of 2,920*l.* per mile, or 292*l.* per acre. This was a double injustice, for the county and all the other rates increased in proportion with the increased assessment in the poor rates, and the tithes also increased in the ratio of the increase of the other rates. As for the highway rate, he would ask any gentleman connected with land, whether he could imagine an instance of any man who would take a farm which had not a road to it. Need he then say, that these roads improved the value of land; and the landowners certainly met with more than an equivalent advantage for the expenses of this rate. But if they took all the rates chargeable on land, and charged them on the Consolidated Fund, they must do the same with regard to all rates payable in towns. Why was the agricultural county of Kent to be exempted from the payment of its police, and not the parish of Marylebone? Why were the inhabitants of London, where, indeed, all the Members of the House resided for a certain portion of the year, to be made to pay sewer and other local rates, while you exempted the country districts from any such payment? It was clear, if you adopted the principle, you must apply it equally to both parties. When the Duke of Richmond complained of the expense to the counties of the administration of justice, and that that charge ought to be defrayed out of the Consolidated Fund, was he aware that if this were adopted, they must change the whole system which now existed? If the Government were charged with the expenses of the gaols, they certainly must have the control over those who filled the gaols; and the whole system of unpaid magistrates must be put an end to; and they must have stipendiary magistrates throughout the country, as in France and Prussia. This might be a very good suggestion, and the arrangement might be desirable, but he did not believe that the noble Duke calculated on such a result. But even supposing that they could make out some part of their case, and show that some inequalities existed which fell on them more than on others, and that there were some little disparities which ought to be equalized, the Committee into which he hoped they would consent to go was a proper place to investigate the matter. But they must satisfy him that these claims of protection by the landed interest, in consequence of the existence of such burdens, really existed before he could come to Mr. M'Culloch's conclusion. But now he must really refer to the exceptions which existed as regarded landed property from burdens which were imposed on other interests. He did not like to trouble the House again in going into this subject at length, as he had so often gone into it on former occasions; but they should recollect that there never was a country in which land was so excepted from heavy burdens, which fell upon other interests. Take, for instance, the legacy and probate duty. There was none on real property. The total amount raised since 1797 upon other property was about 60,000,000*l.*, and of this amount not one shilling was derived from the land. Then, again, take the house duty. In 1825 there were 527,000 houses assessed, and 136,000 farm houses were excepted. If subject to the same payment of the duty from 1803 to 1834, when this tax was repealed, the Revenue would have received 5,000,000*l.* more than it had. Again, there was formerly a tax upon horses used in husbandry; this duty was repealed in 1822, and the Revenue lost 470,000*l.* a year. There were also a great number of other exceptions to the payment of the duty on horses belonging to those connected with the land. In the first place, the exception from the duty was made on horses ridden by occupiers of farms at less than 200*l.* a year.

Then this exception was increased to those under 500*l.* a year rent; then for all horses ridden by bailiffs; then for all horses occasionally let out for hire; then upon all brood mares. Another exception from taxation was in connexion with fire insurances; 3*s.* in the pound was the ordinary fire insurance duty, but there was no duty on insuring farming stock. Again, 1*l.* 11*s.* 6*d.* was charged as a tax upon each saddle horse used in any other trade, but on farmers' horses there was none. Again, with respect to servants, farmers paid no charge for husbandry servants occasionally used as domestic servants. They had also been relieved from the duties on sheep dogs, tax carts, and horses drawing them. There were also no tolls on lime, manure, &c. They had been exempted from the tax on tiles used for draining; they had also been exempted from the tax on stewards, overseers, bailiffs, and clerks employed under them. No window duty was charged under 200*l.* a year rent. The total reduction, then, of taxes affecting the agricultural interest between the years 1816 and 1834, according to the able table made out by the hon. Member for Montrose, amounted to nearly 13,000,000*l.* According to the same document, if they had been made to pay the probate and legacy duty since 1797, the exemption from taxation would have amounted to from 70,000,000*l.* to 72,000,000*l.* Now, what were the burdens? Why was labour employed on land entitled to exemption not given in any other business? He might be told that they should not touch this particular branch of industry—that it was unwise to tax the means and the elements of production. No doubt this might be sound; but then the exemption should be universal, and they should extend it to labour employed in manufactures, in mines, collieries, factories, and all equally valuable, but not equally encouraged, because they had not got the ear of the Legislature. If there were exemptions, they should be fair and equitable between one interest and another, and not as now standing out in odious contrast. Now, with respect to the land tax, the revenue of the country was 51,000,000*l.*; the land tax amounted to 1,817,000*l.* This tax was originally imposed at the rate of 5*s.* in the pound on the rental. If they now took the rental of the country at the amount generally taken, namely, 47,000,000*l.*, this tax would now produce upwards of 9,000,000*l.* Last year they would find that the customs, the excise, and stamp duties, with half of the assessed taxes, produced 46,042,135*l.*, out of a total income of 57,137,991*l.*, including 5,387,455*l.* property tax, of which land did not contribute more than 1,323,969*l.*, including the charge of the tax on tenants' profits. It was obvious from these facts that the landed interest had exemptions from taxation to a much larger amount than was their due proportion. But even supposing that they were entitled to some exemptions, the present mode of levying a duty on corn was the very worst that could be adopted. This had been the opinion repeated over and over again by many of the most able public servants. It had been so stated by Mr. Porter, by Mr. M'Gregor, and by Mr. Deacon Hume. Was the hon. Member aware that Mr. Deacon Hume had been repeatedly praised by the right hon. Baronet at the head of the Government, as one of the first and most able men in the public service? All these Gentlemen said, that this mode of giving compensation was a double injustice; and he would venture to say, that the landed interest could not find a single man who had the slightest pretence to the character of a statesman, who would defend these laws. It had repeatedly been found that able men had gone to the Board of Trade with opposite feelings, and had come out of it at the end of twelve months advocates of the principle of free trade. They might not at once go to the full extent, as they became hampered with party feelings and interests. Now, take the case of the right hon. Member for Newark, the late President of the Board of Trade, who at once admitted the soundness of the principles of free trade; and the only exceptions that he made had connexion with party considerations. Take, again, the noble Lord now at the head of the Board of Trade. He (Mr. Ward) had seen a report of a recent conversation that had passed in another place between that noble Lord and the Duke of Richmond, and he never saw sounder doctrines of free trade principles more clearly put forth. It appeared to him that the only person that the advocates of extreme protection could select for their Minister was the Duke of Newcastle; and if he wrote ano-

ther letter, he was just as likely to become Pope as Premier. He would ask what arguments he might expect from the Government after the opinions of the two right hon. Gentlemen opposite the other night? He could not conceive that they could adduce any arguments against his Motion after what had passed. In former years inquiry was objected to in consequence of the fear of shaking the agricultural interest; but those two right hon. Gentlemen had given notice that there was something unstable in the system of protection. But after the right hon. Gentleman the Secretary for the Home Department, the other night, had said that he could not hold out the hope of continued protection, and the First Lord of the Treasury had said that the system was such that it was perfectly mad to suppose they could go on with it, and had also taken credit to himself for what he had done during the last four years, in which time he had made cautious but extensive changes, such as circumstances had rendered requisite to the commercial interests of the country, and that he would persevere in the same course although it should cost him the support of every member of the agricultural interest; after this, he could not conceive what ground of objection there could be to his Motion on the part of the Government, as the first step to further proceedings might well be preceded by inquiry. The hon. Member for Dorsetshire said that he did not like the first stone to be taken out of the arch, the end of which would strip every particular interest of protection. This was why he (Mr. Ward) wished in the first instance to apply the principle to land; for this he wished to give the agricultural body some interest in removing protection from all others. He was sure, if this was the case, they would become active free traders, and if they took away protection from corn, the landed interest would take care to have it removed from tea, coffee, sugar, timber, and all other articles of consumption. Why then not join with him, and take the first step to get rid of protection? By doing so they would get rid of a shame and a disgrace, which they would soon find that it was impossible for them to continue. He would ask what had they gained by protection? Was it wise that any distinct class should put itself forward to demand claims in opposition to the interests of the great body of the people? All the most sensible men in that interest admitted that they could only claim protection on the ground of being subject to peculiar burdens. Even the hon. Member for Essex admitted that the question was, whether land was not exposed to peculiar burdens, and he challenged a full and fair inquiry into this subject. Would they go into it as men, or shrink from it as cowards? He did not care which course hon. Gentlemen took; in the one case he was confident as to the result, and in the other he must leave the country to draw their own conclusions. The hon. Gentleman concluded with moving—

"That a Select Committee be appointed to inquire whether there are any peculiar burthens specially affecting the Landed Interest of this Country, or any peculiar exemptions enjoyed by that Interest, and to ascertain their nature and extent."

Mr. *Sidney Herbert* felt that he laboured under some difficulty in replying to the speech of the hon. Member, who upon this as upon all questions of this kind, had brought a great number of details before the House; but before he proceeded further he might be permitted to observe that the hon. Gentleman had set an example which he hoped would be followed throughout the course of a debate on a subject which often gave rise to much heat and animosity, namely, that he had spoken with much good humour. With respect to the speech of the hon. Member, he (Mr. Herbert) felt that if there was any confusion on the subject before, the hon. Gentleman, by the course he had that night taken, had added to the amount. Although a considerable change had taken place in public opinion as to the effects of the measures brought forward by Her Majesty's Ministers, which they had been told would introduce ruin to the agricultural interest, and which they had also been told had been brought forward at a most improper period, he was glad to find that the complaints on this subject were subsiding. He was often surprised to hear the principles of free trade, in themselves abstractedly true, advocated on such very different grounds, and he suspected that the nature of the argument was oftener adapted to the audience to which it was addressed, than to the subject itself. This was so often the case, that men are often at a loss to understand what object the free traders had in view. The noble Lord the Member for the city of

London, the other night, in proposing his Resolutions, suggested four plans that could be adopted, but they all involved the principle of protection. From the line of argument taken by the hon. Member that evening, it was clear there must be a wide difference of principle between him and the noble Lord; whereas between the Government and the noble Lord there was only a difference in degree. If any one had come into the House during some parts of the speech of the hon. Member, he would have found it difficult to say on which side the hon. Gentleman intended to argue. He denied that the hon. Member had succeeded in showing that the landed interest of this country enjoyed advantages over the same interest in other countries, or in this. The noble Lord distinctly admitted there were burdens on land which must be relieved before they altered the Corn Law. The hon. Member adverted to the circumstance that in France the land tax was much greater than it was in this country. This was true as regarded the land tax; but the hon. Member forgot to state that there were no tithes in France. The hon. Gentleman said that it was little to the credit of the landed interest of this country that the land tax was not equal to that of France, and that such a state of things was calculated to be productive of mischief. He thought if he mad any comparison with France on the charge of the selfishness of the exemption of land from taxation, he should have mentioned the distinction existing between the property of the nobility and the non-nobility of that country, which produced such strong feelings of alienation in the minds of the lower classes as was one of the main causes of the Revolution. As for tithes, the hon. Gentleman, when he referred to authorities as to their nature, rather surprised him that he did not allude to the opinions of Mr. M'Culloch, Dr. Adam Smith, or Dr. Paley; all those authorities distinctly stated that tithes were a tax and a burden on land. He was not stating his own opinion, but that of those high authorities. On rich soils tithes did not fall so heavily; but on poor soils they took a larger proportion of produce, raised with an additional outlay of capital, and these latter were the lands which would most suffer in case of a repeal of the Corn Laws. The hon. Gentleman had referred to the last Report of the Poor Law Commissioners, in which it was stated that the poor rates had diminished on land in consequence of the rating of railways, and of the demand for labour in the manufacturing districts, and that this state of things was likely to continue. He was glad that such comfortable news could be communicated to agricultural Gentlemen, who looked with such despondency on what had recently occurred; but what the hon. Member now proposed had for its object to take away all chance of relief and improvement from them. He was not certain that the argument of the hon. Gentleman on this subject was a fair mode of discussing the question. It was admitted on all hands that the manufactures of the country were now in a state of great prosperity, and that there was such a demand for hands and labour that the rate of wages had risen; and that, so far from persons being out of work, it was found difficult to get workpeople. But he begged the hon. Member to recollect, that when there was a large demand for labour in the manufacturing districts, they had to obtain workpeople from the agricultural districts; and, if there was any falling-off in the demand for manufactures, or when the manufacturing labourers became old and infirm, they had to go back to the rural districts, from whence they came, and become chargeable to these districts. This was a great burden on the land. He said nothing of highway rates benefiting and town, the country equally, but borne exclusively by the latter. The hon. Gentleman expressed his astonishment at the emptiness of the House, and yet admitted that they discussed the Corn question on the Tariff, on the Sugar Duties, and on the Resolutions of the noble Lord the Member for London. He thought they should better perform their duties as legislators by endeavouring to pass practical measures of legislation, instead of discussing theories, on the application of which every man entertained a different view. If they discussed the Corn question on three or four nights instead of fifteen, they would infuse much more vigour into their debates on that subject, and would be able to apply their minds to other questions in which their constituents took just as great an interest as in the Corn Laws. The hon. Member for Wolverhampton said the other night, that he had treated the Members of that House with disrespect in saying, "Give me the names of your Committee, and I'll tell you their Report." If evidence was required, or a question on which party feeling had no bearing, a Committee of that House was a good tribunal

for receiving it; but on such a question as the Corn Laws, on which all men have preconceived and definite opinions, the moment the Committee was struck each party would anticipate the result, and the Report would have no other effect than to bring discredit on the Committees of that House. He was sure that if the agricultural party continued in the path which they were now taking, exerting themselves manfully in the work of improving the land by the investment of capital — abstaining from making complaints, and rejecting the seductive proposals of the hon. Member for Stockport, who proposed to better their condition by reducing the price of produce, he was sure that in a short time their temporary difficulties would be overcome.

Mr. *Cobden*: The right hon. Gentleman who had just sat down said, there was no one in that House who had not a distinct opinion on the question of the Corn Laws. Judging from the speech of that right hon. Gentleman, there was one exception to that rule—the right hon. Gentleman himself. He must acknowledge he was completely at a loss to determine what was the drift of the right hon. Gentleman's argument. He could not tell at that moment whether the right hon. Gentleman maintained that tithes belonged to the landlord or the Church. The right hon. Gentleman argued the question of tithes as if they were then collected under the old system; but as at present levied, tithes were no more a burden on the landlord than on the shopkeeper. He had found himself in cathedral cities defending the right of the clergy to the tithes, as opposed to the landlords. Again, as to the poor rates; if the manufacturer did not pay rates on the straps of his machinery, neither did the landlord on his standing corn. The hon. Member for Essex cast a jealous eye on such establishments as Storr and Mortimer's, and asked why they were not assessed to the poor. But if the proprietors of such establishments read the pamphlets of protectionists distributed at Pall Mall, they would find the capital in land set down at 250,000,000*l.*, while that allowed to manufactures and trades was but 80,000,000*l.* Let the hon. Baronet go into any shop in the Strand, and ask the owner what proportion his taxes (he left out his assessed and window taxes, which were paid to the State)—but what proportion his payments for paving, lighting, watching, and sewerage, bore to the rental, and he challenged the hon. Baronet to say that the shopkeepers of the towns did not pay local burdens to quite as great an extent as the farmers. He should recommend his hon. Friend (Mr. Ward), if he made this Motion next year to omit the word "exclusive," as applied to burdens on the land; for the common sense of the country treated such a proposition as nothing more than a thing to be laughed at. The right hon. Gentleman (Mr. Herbert), played a part which did not sit well on him, that of a sophist, and his fallacies were perfectly transparent; and if the Government had no better case than that presented by the right hon. Gentleman, they must suffer as great a disaster that night as on any previous debate during the Session, and that was saying a great deal. Granting that agriculture paid all the taxes, still the protection they claimed was no advantage to them. If protection was admitted to be an impediment to trade, and to the development of the resources of the country, it could not be a benefit to agriculture. The noble Member for London proved, as one of the leading principles of his Resolutions, that protection was the bane of agriculture. The right hon. Gentleman at the head of the Government gave his unqualified approval to that proposition. He believed that amongst enlightened agriculturists two opinions would not be held on the subject in twelve months hence. He hoped that higher ground would be soon taken than this bandying of injustice from one interest to the other. He knew the opinion was spreading rapidly (and he did not speak from any public demonstration), that manufacturers, merchants, shopkeepers, and landowners, had but a common interest. He could never believe that a system which tended to restrict trade, and to retard the increase of wealth and population, could be beneficial to farmers and landed proprietors. He should conclude by a remark as to Mr. M'Culloch, who had been quoted by the right hon. Gentleman. He wished to speak with respect of men of science, and he was willing to admit that, as a pains-taking statistician, Mr. M'Culloch had done considerable service; but, as an authority on political economy, he was not aware that that gentleman had added a single new idea to the science. He had been a commentator

on Adam Smith, and, like the commentators of Shakspeare, he made dark what was before light. On the Bank of England, and on the Corn Law question, this gentleman had a strange facility in shifting his views to the exigencies of parties and politicians. And when he was quoted as an authority on political economy, he begged it to be understood, that he at all events did not bow down to Mr. M'Culloch.

Mr. *Newdegate* said, that he for one lamented that the Speaker was occupied by the duties of the Chair; not but that he fully appreciated the value of the right hon. Gentleman's services in maintaining the dignity and authority of that House so ably as he did, but because the House and the country stood sadly in need of men possessing such experience and ability as the right hon Gentleman had in the discussion of this most important subject. The hon. Member for Sheffield had made free use of the fashion set by the noble Lord the Member for London, who had declared that in his estimation protection was the bane of agriculture—a fashion which it appeared the two right hon. Baronets, Secretaries of State, desired to follow. Now if these right hon. Gentlemen were really of opinion that protection was injurious to the best interests of England, he (Mr. Newdegate) could not but pity those right hon. Gentlemen, who had for years knowingly contributed to perpetuate the infliction of injury upon their country. One, however, most important and necessary element of this inquiry had been touched upon, though but slightly, by the noble Lord, on the discussion of his late Resolutions; namely, the effect of the present high value of our currency upon the interests of agriculture. That this point must form an element of the proposed inquiry, no one could doubt who had read the financial statement of the right hon. Baronet at the head of the Government, when introducing the Property Tax in 1842. With reference to the rental of land, he said—

"Now I cannot doubt that the return of peace and the cessation of war prices must have had a considerable effect in reducing the rental of land; and, taking into consideration the effect of the restoration of the currency, the rental of land may probably at first have fallen far below that amount; but still, when I look at the improvement which agriculture has received from mechanism, and the application of science to land, I cannot but entertain a conviction that the present rental of land must be equal to the rental in the year 1814."*

And he (Mr. Newdegate) would presently show that the right hon. Baronet was not far wrong in his reckoning. He had also the authority of the right hon. the Home Secretary for stating, that in 1815 the Corn Laws were intended to compensate the landed interest for the loss anticipated to their property from the contemporaneous alteration of the currency then introduced. This important question, therefore, could not be fairly excluded from the inquiry proposed by the hon. Member for Sheffield, which he (Mr. Newdegate) would have supported, had there been information provided upon which the Committee could proceed to a free and impartial inquiry. Such, however, was not the case; and he (Mr. Newdegate) had that Session moved for Returns to remedy the defect, until the obtaining of which he must oppose the constitution of a Committee of Inquiry. He did expect, as the hon. Member had so long turned his attention to the subject, that he would have brought forward some analysis of the increase of the various kinds of property in the country, on which he would have based his propositions for inquiry. For himself, he thought he could not better test the subject than by taking the Returns which had been moved for by the hon. Member for Wolverhampton with respect to real property, together with the Poor Rate Returns. He thought these Returns threw much light on the question, but they failed in one thing. All factories, warehouses, wharfs, and buildings of every description were clubbed together in one mass as houses. Now it was evident, that buildings and premises adapted and used for the purposes of trade or commerce ought not to be assessed in the same ratio as houses used merely for residence, since from their site and application, they had an extraneous value. The basis of all assessment was the rent, for which the property to be assessed could be fairly let by open competition, and that was the system under which railways were assessed, and he maintained that was a just one. They were structures for the conveyance of goods and passengers; worth what they would let for to be used for conveyance, and ought to be assessed upon that value. The defect in the hon. Member for Wolverhampton's Returns was, that they did not afford the means of judging whether this system

* Hansard's Debates (Third Series), Vol. lxi. p. 441.

was applied justly to the various kinds of house property—if he might so term it. But with this imperfection, he would take a glance at the real state of the question with regard to the increase of the value of land as compared with other descriptions of property. From these Returns it appeared that the value of real property in 1843 was 95,284,497*l.* while in 1814 it was 60,138,380*l.*, being an increase of 35,146,167*l.* In 1843, the rent of land in England, Wales, and Scotland was 45,753,615*l.*; in 1814, it was 39,405,705*l.*, being an increase of 6,347,810*l.* But in this increase was included 1,539,670*l.* of tithe which had been commuted into rent charge. The hon. Member for Stockport had asked, on whom did the burden of the tithe fall? He would answer, that where the tithe was commuted, it fell upon the landlord; but where it was not commuted it fell upon the tenant. He did not mean to say that allowance was not made for it in the rent; but wherever it fell it must be considered as a burden upon the land. He would now come to the rent of houses for the same period. In 1843, the rent of houses was 38,475,738*l.*; in 1814, it was 16,259,399*l.*, being an increase of 22,216,339*l.*, to be set against the increase in the value of land of 4,813,945*l.*, which was the real increase in the value of land after they deducted the commuted tithes. With these facts before them, he would ask whether the Legislature of the country could have shown any peculiar favour to land? The increase on other kinds of property, such as iron-works, canals, &c., was also at a per centage infinitely greater than the increase in the value of land; and was in some of them equivalent to the enormous increase that had taken place in the value of house property: the details of these he had in his hand, but with which at that late hour he would not trouble the House. How stood the question with reference to the assessment for the poor rates, and for the property tax, which was upon the full value of the property? The real property subject to the Property Tax in England and Wales, in 1843, was 85,802,735*l.*; assessed to the poor rates in 1841, 62,540,030*l.*; so that there was property exempt from poor rates to the value of 23,262,705*l.* For the same periods the land assessed to the Property Tax amounted to 40,167,088*l.*; to the poor rate, 32,655,137*l.*, leaving exempt from poor rate, 7,511,951*l.* At the same time, the houses were assessed to the Property Tax at 35,556,399*l.*, and to the poor rates at 23,286,401*l.*, leaving exempt from poor rates, 12,169,998*l.* The result of this was, that while land was assessed at four-fifths of its value, house and all other kinds of property was only assessed at two-thirds; and when they considered that this assessment formed the basis of all local taxation, they could not deny that local burthens must press more heavily upon the land than upon any other description of property, to say nothing of those which pressed upon the land exclusively. The information regarding local taxation was so imperfect, that an estimate of its amount could scarcely be formed; but he would not shrink from the inquiry. So soon as proper information could be obtained, for he found that everything that was left vague was, through some inadvertence, perhaps, but certainly through the misrepresentations of hon. Gentleman opposite, placed to the disadvantage of the land. His estimate of the peculiar burdens upon the land was, that they amounted to 12,000,000*l.* sterling at least. They had high authority for saying that they amounted to 18,000,000*l.* at the close of the war, and he believed that the land had benefited by the reduction of taxation, not in the same proportion, but in the same manner as other descriptions of property. Still there remain heavy burdens peculiar to land, among which he might mention the tithe, the county rate, and the land tax. The tithe he estimated at more than 3,000,000*l.*; the land tax, deducting that proportion paid in towns, at 1,000,000*l.*; and the county rate, setting that proportion paid in towns over against the borough rates paid by farmers where their farms were included in the borough rate, at 800,000*l.* The excess of the poor rates paid by land over every other description of property he could not ascertain; but he believed it was more than 1,000,000*l.* The average of the malt tax for the last three years was between 4,000,000*l.* and 5,000,000*l.*, making a total, with some other items, of upwards of 12,000,000*l.* sterling. He might observe also that a new burden was gradually growing up, and that it was becoming more intense in its application to the land. The debts on the turnpike trusts of this country amounted to 8,000,000*l.* sterling, and there was accumulated interest on the trusts of more than 1,000,000*l.*, making 9,000,000*l.* in all; and, as the tolls now ceased to meet the exigencies of repairs and the payment of interest owing to the absorption of traffic by the railways, the different parishes

would be called upon to contribute at a greater expense than before to their maintenance. He had shown a rough estimate of the burdens upon the land; he had shown that for the last thirty years the application of capital to the land had scarcely at all increased its value; although in that total value was included the additional rent of a large quantity of land, which had been brought into cultivation under Inclosure Acts during that period. Let them now consider what were the benefits which application of capital had produced to the community. In 1841, the quantity of corn consumed in this country was estimated at 61,460,879 quarters by Mr. M'Culloch. In 1814, it was 43,580,000. There was therefore an increase of production in thirty years of 18,000,000 of quarters—in the population of the country an increase for the same period of 10,000,000, (nearly 11,000,000,) and their production had been greater in proportion to the increase for the population that demanded it. How then could hon. Gentlemen accuse them of neglecting their estates? How could they say that agriculture was at a standstill in the country, whilst the average price at present was not two-thirds of that at the former period;—whilst the product of the land, by care, by science, and by the application of vast capital, had thus increased? Protection was said to be the bane of agriculture, because it produced uncertainty. That uncertainty was a great evil, and was caused by those who kept up a continual and bitter agitation on the subject of the Corn Laws. He knew no means of producing steadiness of price better than the system which they now pursued; for under it the price of wheat in this country had been steadier than in any other country in Europe, except Sweden. He should add that in the last Returns he had given, the importations in both cases were in very nearly a similar ratio to the total amounts; so, if deducted, they did not affect the general result. He was sorry to have obtruded upon the House so long; but when he was told that the landowners were beaten — when they were told by those in power that they only waited a fit opportunity to go further in the course which they had adopted, and which might be a just one if it were applied to all trades, professions, and systems; but so long as restriction was characteristic of our monetary system, so long did he think it was just to give protection to agriculture. Hon. Gentlemen, Members for agricultural counties, who were willing to leave things as they were, might submit to these continual taunts which were thrown out against them. For himself, he felt that he had no part with them. If he and his friends did wrong, let their constituencies declare it — if right, he trusted they would support those who supported them. The hon. Member for Sheffield appeared to think that they had no other argument than the peculiar burdens of agriculture; but they who had been taught in a different school knew that there were other principles in relation to this subject that were not only weighty in themselves, but were just and applicable, and of continual operation. They thought it was better that the country should be independent of foreign supply, rather than see the food of the people made the subject of speculation and of commercial exchange. And here he could bear testimony to the statement of the hon. Member for Stockport, that with him and those with whom he acted, the question was not a matter of price, but was a matter of exchange. They wished a new medium of exchange between themselves and their customers, to take corn as the medium of the barter; they found their American customers and others not able readily to pay them in bullion, so they had intimated that they would take corn in exchange. This was the whole root of the matter. He (Mr. Newdegate) well knew this was the real measure of their philanthropy, that for the sake of their own trade they would subject the food of the people to all the vicissitudes of commercial speculation. Without any wish to avoid or prevent honest inquiry in the present deficiency of adequate statistical information, he felt it his duty to oppose the proposition of the hon. Member.

Mr. *V. Smith* heard with regret that it was the intention of Ministers to oppose the present Motion; he must say, he thought a more unwise proceeding on their part could not be imagined. The right hon. Gentleman the Secretary at War said, he could not see the object of this Motion, as all the information that could be gained by the Committee was already before the House. His hon. Friend had stated the object he had in view distinctly. Repeated assertions of the most contradictory tendency were made from both sides of the House: it was the object of this Motion to put an end to these, and to place correct information on the subject to which it related before the House. The right hon. Gen-

tleman's speech, in fact, went to show that no confidence could be placed in any Parliamentary Committee whatever. Looking to the uncertainty in which this subject was enveloped—seeing that it was difficult to discover even from the speeches made by hon. Gentlemen on the opposite side of the House, whether they thought there were any peculiar burdens on land or not—he could not conceive any inquiry from which more useful or important results might be expected. If he wanted a convincing reason for a Committee, he had only to look to the speeches of the hon. Gentlemen who had just sat down: they gave the House one set of figures, while in the Eleventh Report of the Poor Law Commissioners he found that the calculations were entirely different. He would recommend his hon. Friend to embrace in the Motion an inquiry into the local taxation of the country; for that object alone it would be well worth while to go into Committee. In the Report of the Poor Law Commissioners, the produce of the public taxes, exclusive of Excise and Customs, was stated at 15,000,000*l.*, while the amount of the local taxation was given at 10,000,000*l.*—not less than two-thirds of the former. He thought it might fairly be admitted that many of the local taxes pressed with greater severity on the land than on any other interest; those of the poor rates and county rates especially. It was impossible to imagine a state of greater confusion than that in which the local taxation of the country was now plunged, as explained in the Report to which he had referred; it stated that there were not less than twenty-two different rates of local taxation. Yet, although this Report had been before the House since 1843, no legislative measure had yet been taken on the subject. The right hon. Baronet (Sir James Graham) said he had enough to do without taking that subject in hand; he (Mr. V. Smith) admitted it, and he hoped the right hon. Gentleman did not suppose that he spoke in censure; but he addressed this argument especially to the landed Gentlemen themselves. Instead of putting their fingers into the public purse, he would recommend them to consider what improvements might be made in the distribution of the local taxes. Hon. Gentlemen connected with the agricultural interest should come before a Committee and state their case. If they would adopt the course of proceeding which he recommended, they would no longer need to cling to the skirts of a Minister whom they accused of betraying them, though he confessed he thought the accusation overcharged; for they needed the right hon. Baronet, and wanted to make use of him, while he wanted to make use of them. Instead of bringing forward mock Motions and sham debates, let them come before a Committee and face their opponents. They had made Motions respecting auction duties and drawbacks on malt, which had resulted only in the drawback of the Motions. Let them advance at once with a fair and open front, and meet his hon. Friend in such a Committee as he proposed. Instead of living at the expense of the country, let them make good their case in that House. They might then live in defiance of those before whom they were now obliged to tremble, and to whom they were now forced to crouch.

Sir *J. Tyrrell* said, every argument addressed to the House by the hon. Member for Sheffield was to be found in print; but he could not see how the right hon. Secretary at War could reconcile his observations with those of the Home Secretary. The hon. Member for Stockport had alluded to an argument of his on the subject of rating stock in trade; but he had sat four hours with the Representatives of twenty-three counties, and they had all stated that they were betrayed by Her Majesty's Government. The story went of the right hon. Secretary at War, that when he went to see his yeomanry a week or two since, he was not well received by any except his own troops, who were called "the winners." But, to revert to the question of rating stock in trade; he would call the attention of the hon. Member for Stockport to the great inconvenience that would arise from quarterly examination of stock. He denied the proposition that the agriculturists were benefited by the reductions that had taken place in the duty on rapeseed, wool, and other articles; and argued that it afforded no ground, therefore, for a reduction of the duty on wheat. The case of the reduction on wool might be a very good pistol for the right hon. Baronet at the head of the Government to present at the head of the Duke of Richmond; but it was not one which went on all fours. What he asked for was, that the dish should be held even; as he was not of those who

wished for free trade in manufactures rather than he did in corn. Last year he had great confidence in the consistency of Her Majesty's Government, and would have gone into the Committee if they chose it; but things had altered since, and he could not now agree to the Motion. If the hon. Member for Manchester were in his place, he would admit that as to the duty upon cotton, he had expressed his assent to the repeal of that duty. He had no objection to give them the turn of a scale in the foreign market. But then he claimed a fair protection for himself; he was not ashamed to say that he thought if wheat was 50*s.* a quarter, greater social benefits would follow. There would be a greater employment of labour than if it were 40*s.* a quarter under the head of barter, when they had no security that Foreign Governments would act upon the same principle. He felt the greatest confidence that if any such inquiry should now be adopted, the landed interest would be able to support all its statements; but the present Motion, like that of the noble Lord the Member for London, had no practical object, and ought, therefore, to be rejected; and when it was said, as an argument for it, that whilst the present uncertainty existed they could only half cultivate the land, he must tell them that it was they who prevented the fair application of capital to the land by continuing this agitation on the subject.

Dr. *Bowring* said it was an undoubted fact, that the land in England was taxed in a far smaller proportion to the State than it was in most of the other countries in Europe. It must be obvious, however, that the present tendency of legislation was to free commerce from its trammels; and agriculture must also share in the benefits of that release. England had long been pursuing a most vicious line of policy. The legislative powers had been confided to the landowners, and it was now high time to release commerce and agriculture from the shackles imposed on them by the landed classes. At all events, inquiry was imperative on the House; and he, therefore, should vote for the appointment of a Select Committee.

The House divided:—Ayes 109; Noes 182: Majority 73.

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Aldam, W.
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Berkeley, hon. C.
Bernal, R.
Blewitt, R. J.
Bouverie, hon. E. P.
Bowring, Dr.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Cavendish, hon. C. C.
Cavendish, hn. G. H.
Chapman, B.
Childers, J. W.
Christie, W. D.
Clay, Sir W.
Colebrooke, Sir T. E.
Collett, T.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W. S.
Curteis, H. B.
Dalrymple, Capt.
Dawson, hon. T. V.
Dennistoun, J.
D'Eyncourt,rt.hn.C.T.
Duncan, Visct.
Duncan, G.
Duncannon, Visct.
Dundas, Adm.
Dundas, F.
Dundas, D.
Ellis, W.
Elphinstone, H.
Escott, B.
Ewart, W.
Fitzwilliam,hon.G.W.
Forster, M.
Fox, C. R.
Gibson, T. M.
Gill, T.
Granger, T. C.
Grey, rt. hon. Sir G.
Hawes, B.
Heathcoat, J.
Hill, Lord M.
Hindley, C.
Howard, hn.C. W. G.
Howick, Visct.
Hume, J.
Hutt, W.
Langston, J. H.
Layard, Capt.
Lemon, Sir C.
Leveson, Lord
Mangles, R. D.
Manners, Lord J.
Marjoribanks, S.
Marshall, W.
Martin, J.
Mitcalfe, H.
Mitchell, T. A.
Morris, D.
Morison, Gen.
Napier, Sir C.
Newport, Visct.
O'Connell, M. J.
O'Ferrall, R. M.
Ord, W.
Palmerston, Visct.
Parker, J.
Pattison, J.
Pechell, Capt.
Philips, G. R.
Philips, M.
Plumridge, Capt.
Pulsford, R.
Rawdon, Col.
Redington, T. N.
Repton, G. W. J.
Ricardo, J. L.
Ross, D. R.
Rumbold, C. E.
Sheridan, R. B.
Smith, rt. hn. R. V.
Stansfield, W. R. C.
Stanton, W. H.
Stuart, Lord J.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Traill, G.
Trelawny, J. S.
Tufnell, H.
Villiers, hon. C.
Vivian, J. H.
Walker, R.
Warburton, H.
Watson, W. H.
Wawn, J. T.
Williams, W.
Wilshere, W.
Wood, C.
Worsley, Lord
Wrightson, W. B.

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Ward, H. G.
Cobden, R.

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Acland, T. D.
Acton, Col.
Allix, J. P.
Antrobus, E.
Arbuthnot, hon. H.
Arkwright, G.
Astell, W.
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Baillie, H. J.
Bankes, G.
Baring, T.
Barrington, Visct.
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Beckett, W.
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Blackstone, W. S.
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Borthwick, P.
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Bowles, Adm.
Boyd, J.
Bramston, T. W.
Brooke, Sir A. B.
Bruce, Lord E.
Bruce, C. L. C.
Bruges, W. H. L.
Buck, L. W.
Buckley, E.
Buller, Sir T. Y.
Bunbury, T.
Burrell, Sir C. M.
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Campbell, J. H.
Cardwell, E.
Carew, W. H. P.
Cholmondeley, hn. H.
Christopher, R. A.
Chute, W. L. W.
Clayton, R. R.
Clerk, rt. hn. Sir G.
Clifton, J. T.
Clive, hon. R. A.
Cockburn, rt. hn. Sir G.
Cole, hon. H. A.
Colvile, C. R.
Compton, H. C.
Copeland, Ald.
Corry, rt. hon. H.
Courtenay, Lord
Cripps, W.
Darby, G.
Davies, D. A. S.
Dawnay, hon. W. H.
Deedes, W.
Denison, E. B.
Dickinson, F. H.
Disraeli, B.
Douglas, Sir C. E.
Douglas, J. D. S.
Drummond, H. H.
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Du Pre, C. G.
Eaton, R. J.
Emlyn, Visct.
Farnham, E. B.
Fellowes, E.
Filmer, Sir E.
Fitzmaurice, hon. W.
Fitzroy, hon. H.
Flower, Sir J.
Fremantle, rt. hn. Sir T.
Gardner, J. D.
Gaskell, J. Milnes
Glynne, Sir S. R.
Gordon, hon. Capt.
Gore, M.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
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Greenall, P.
Greene, T.
Grimsditch, T.
Grimston, Visct.
Grogan, E.
Halford, Sir H.
Hamilton, J. H.
Hamilton, W. J.
Harcourt, G. G.
Harris, hon. Capt.
Hayes, Sir E.
Heathcote, J.
Heneage, G. H. W.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, rt. hn. S.
Holmes, hn. W. A'C.
Hope, hon. C.
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Hussey, T.
James, Sir W. C.
Jermyn, Earl
Johnstone, H.
Jolliffe, Sir W. G. H.
Jones, Capt.
Lefroy, A.
Legh, G. C.
Liddell, hon. H. T.
Lincoln, Earl of
Lockhart, W.
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Nicholl, rt. hn. J.
Norreys, Lord
O'Brien, A. S.
Pakington, J. S.
Palmer, R.
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Thompson, Ald.
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Trench, Sir F. W.
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Trotter, J.
Turnor, C.
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Verner, Col.
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Waddington, H. S.
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House adjourned.

ERRATA.

Folio 48, line 20, *for* "only 500*l.* a year in Wales," *read* "only 350*l.* a year in Wales."

„ 198, „ 1, *for* "that the words proposed stand part of the Question," *read* "that the words proposed to be left out stand part of the Question."

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VOLUME LXXX.

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*** It has seemed better, instead of incumbering this Index with a reference to Private Bills, upon which debate seldom occurs, to collect them in a table at the end, in form similar to the Paper issued by the House of Commons. The date will be a sufficient reference to the volume. The progress of Bills will not be carried *beyond* the contents of each volume; but it is not intended to omit from the table appended to each the stage that Bills may have passed through recorded in preceding volumes.

☞ *The * indicates that no Debate took place upon that Reading.*

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Arrestment of Wages	[*Scotland*]	Apr. 10.	Apr. 11.						
Auction Duties Repeal		Apr. 8.	Apr. 9.	Apr. 11.	Apr. 16.	Apr. 17.	Apr. 29.	May 6.	May 8.
Bail in Error		Lords Bill.	...	...	...	Feb. 20.	Feb. 28.		
Banking	[*Scotland*]	Apr. 25.	Apr. 28.	May 5.					
Banking	[*Ireland*]	April 25.	May 7.	May 19.					
Bastard Children		Lords Bill.	...	...	...	Mar. 17.			
Bastardy		Feb. 24.	Feb. 25.	Mar. 6.	Mar. 14.	Mar. 17.	Apr. 3.	Apr. 18.	May 8.
Calico Print Works		Feb. 18.	Mar. 12.	April 2.	Apr. 30.	May 1.	May 26.		
Canal Companies Carriers		Apr. 25.	Apr. 25.	Apr. 30.					
Canal Companies Tolls		Apr. 25.	Apr. 25.	Apr. 30.					
Charitable Trusts	[*England and Wales*]	Lords Bill.	...	..	...	Apr. 7.	May 22.		
Chattels Interests (Real Property)		Apr. 14.	Apr. 14.						
Church Buildings Act Amendment		Lords Bill.	...	...	...	Apr. 22.	Apr. 29.		
City of London Trade		Lords Bill.	...	..	...	Mar. 13.			
Civil Actions		Lords Bill.	...	...	...	May 19.			
Coal Trade (Port of London)		May 16.	May 21.	May 26.					
Colleges	[*Ireland*]	May 9.	May 9.	June 2.					
Colleges of Physicians and Surgeons		Feb. 25.	Feb. 25.	Apr. 25.					
Colonial Passengers		Apr. 11.	Apr. 17.	Apr. 21.	Apr. 25.	Apr. 28.	Apr. 29.	May 6.	May 8.
Commons Enclosure		May 1.	May 5.						
Companies Clauses Consolidation		Feb. 6.	Feb. 6.	Feb. 10.	Mar. 4.	Mar. 6.	Mar. 13.	Apr. 3.	May 8.
Companies Clauses Consolidation	[*Scotland*]	Feb. 6.	Feb. 6.	Feb. 10.	Mar. 4.	Mar. 6.	Mar. 13.	Apr. 3.	May 8.

TITLE OF BILL. — PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
	LEAVE GIVEN, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1a.	BILL READ 2a.	BILL READ 3a.	
Compensation to Families of Persons killed by Accident	Lords Bill.	...	...	...	Feb. 18.	Apr. 21.		
Consolidated Fund (£8,000,000)	Mar. 4.	Mar. 5.	Mar. 6.	Mar. 11.	Mar. 13.	Mar. 14.	Mar. 17.	Mar. 18.
Constables [*Scotland*]	Feb. 13.	Feb. 13.	Feb. 17.	Feb. 20.	Feb. 28.	Mar. 3.	Mar. 10.	Mar. 18.
Coroners [*Ireland*]	May 8.	May 8.	May 28.					
County Rates		May 2.						
Courts of Common Law Process		Apr. 30.	May 7.					
Courts of Common Law Process [*Ireland*]		Apr. 30.	May 7.					
Court of Session (Scotland) Process		Apr. 30.	May 7.					
Criminal Lunatics [*Ireland*]	May 19.	May 19.	May 26.					
Customs Export Duties	Mar. 10.	Mar. 11.	Mar. 12.	Mar. 17.	Mar. 18.	Apr. 14.	Apr. 15.	Apr. 24.
Customs Import Duties	Mar. 18.	Mar. 20.	Mar. 21.	Apr. 21.	Apr. 22.	Apr. 29.	May 6.	May 8.
Deodands Abolition	Lords Bill.	...	..	...	Feb. 24.	Mar. 14.		
Divorce	Lords Bill.		...	...	Mar. 13.			
Documentary Evidence	Lords Bill.	..	...	...	May 19.			
Dog Stealing		May 30.						
Drainage of Lands	May 1.	May 5.						
Ecclesiastical Courts Consolidation	Lords Bill.	...	...	...	Mar. 13.			
Elective Franchise Extension	Lords Bill.	...	...	...	Apr. 25.	May 26.		
Exchequer Bills (£9,379,600)	Apr. 28.	Apr. 30.	May 1.	May 7.	May 8.	May 16.	May 19.	May 20.
Field Gardens	Mar. 4.	Mar. 4.	Apr. 9.					
Fresh Water Fishing [*Scotland*]	Lords Bill.	May 20.	..	...	Mar. 11.	Mar. 14.	May 8.	
Game Laws Act Amendment	Lords Bill.	...	...	...	May 30.			
Glass (Excise Duty)	Apr. 1.	Apr. 3.	Apr. 4.	Apr. 9.	Apr. 11.	Apr. 15.	Apr. 17.	Apr. 24.
Granting of Leases	Lords Bill.	...	...	...	May 19.			
Heritable Securities [*Scotland*]	Lords Bill.	...	...	...	May 2.	May 16.		
High Constables	Mar. 7.	Mar. 7.	Mar. 14.	Apr. 25.	Apr. 28.			
Indemnity	May 8.	May 8.	May 9.	May 20.	May 23.	May 30.	June 3.	
Independence of Parliament	Lords Bill.	...	..	...	May 19.			
Infeftment [*Scotland*]	Mar. 7.	Mar. 7.	Mar. 14.	Apr. 25.	Apr. 28.			
Jewish Disabilities Removal	Lords Bill.	Mar. 17.	...	..	Mar. 7.	Mar. 10.	Mar. 14.	

PUBLIC BILLS—*Continued.*

TITLE OF BILL. (PROGRESS THROUGH)	COMMONS.				LORDS.			ROYAL ASSENT.
	LEAVE GIVEN, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1a.	BILL READ 2a.	BILL READ 3a.	
Justices' Clerks and Clerks of the Peace	Feb. 20.	Feb. 26.	Mar. 12.					
Lands Clauses Consolidation	Feb. 6.	Feb. 6.	Feb. 10.	Mar. 19.	Apr. 3.	Apr. 11.	Apr. 22.	May 8.
Lands Clauses Consolidation [*Scotland*]	Feb. 6.	Feb. 6.	Feb. 10.	Mar. 20.	Apr. 3.	Apr. 11.	Apr. 22.	May 8.
Malt Drawback	Apr. 18.	Apr. 21.						
Marriage Law Amending	Lords Bill.	...	...	...	May 19.			
Marine Mutiny	May 1.	Apr. 4.	Apr. 7.	Apr. 10.	Apr. 11.	Apr. 4.	Apr. 17.	Apr. 24.
Maynooth College	Apr. 3.	Apr. 3.	Apr. 18.	May 21.	May 23.			
Merchant Seamen	May 1.	May 1.						
Military Savings Banks	May 8.	May 8.	May 19.	June 2.				
Museums of Art	Mar. 6.	Mar. 18.	Apr. 2.	Apr. 28.	May 1.	May 30.		
Mutiny	Apr. 3.	Apr. 4.	Apr. 7.	Apr. 10.	Apr. 11.	Apr. 14.	Apr. 17.	Apr. 24.
Oaths Dispensation	Lords Bill.	..	...	...	Apr. 22.	May 23.		
Outlawries	...	Feb. 4.						
Outstanding Terms	Lords Bill.	...	...	...	May 19.			
Parochial Settlement	Feb. 11.	Feb. 17.						
Pauper Lunatics Amendment [*Ireland*]	Lords Bill.	...	...	..	Mar. 10.	Mar. 17.		
Peace Constables, near Public Works [*Scotland*]	Lords Bill.	..	...	..	Feb. 27.	Withdrawn		
Physic and Surgery	Feb. 25.	Feb. 25.	Apr. 25.					
Pious and Charitable Purposes	May 21.	June 2.						
Poor Law Amendment [*Scotland*]	Apr. 2.	Apr. 2.						
Post Office Offences Act Amendment	Lords Bill.	...	..	...	Mar. 17.			
Privy Council		May 23.	May 30.					
Privy Council Appellate Jurisdiction Act Amendment	Lords Bill.	...	...	...	Apr. 28.	May 5.	May 8.	
Property Tax	Feb. 20.	Feb. 21.	Feb. 27.	Mar. 12.	Mar. 13.	Mar. 17.	Apr. 4.	Apr. 5.
Public Museums	Mar. 18.	Mar. 18.	Mar. 31.	Apr. 9.	Apr. 14.	May 8.		
Railway Clauses Consolidation	Feb. 6.	Feb. 6.	Feb. 10.	Mar. 19.	Apr. 3.	Apr. 11.	Apr. 22.	May 8.
Railway Clauses Consolidation [*Scotland*]	Feb. 6.	Feb. 6.	Feb. 10.	Mar. 20.	Apr. 3.	Apr. 11.	Apr. 22.	
Railway Clauses Consolidation, No. 2. [*Scotland*]	May 1.	May 1.	May 5.	May 16.	May 19.	May 26.	June 3.	
Real Property Conveyance	Lords Bill.	...	...	...	May 19.			
Real Property Deeds Registration	Lords Bill.	May 26.						

PUBLIC BILLS—*Continued.*

TITLE OF BILL. (PROGRESS THROUGH)	COMMONS.				LORDS.			ROYAL ASSENT.
	LEAVE GIVEN, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Roman Catholic Relief	Feb. 20.	Feb. 20.	May 28.					
Salmon Fisheries	Apr. 30.	May 1.	May 21.					
Scientific and Literary Societies	May 8.	May 8.	May 28.					
Select Vestries	Lords Bill.	...	...	...	Feb. 4.			
Service of Process	Lords Bill.	...	...	...	Feb. 13.	Mar. 3.	Apr. 5.	
Service of Process [*Ireland*]	Lords Bill.	...	...	...	Feb. 13.	Mar. 3.	Apr. 5.	
Service of Summons [*Scotland*]	Lords Bill.	...	...	...	Feb. 17.	Mar. 3.	Apr. 5.	
Sheriffs [*Wales*]	Lords Bill.	Apr. 22.	Apr. 25.	Apr. 30.	Apr. 14.	Apr. 17.	Apr. 21.	May 8.
Small Debts	Lords Bill.	...	...	...	May 23.	June 2.		
Smoke Prohibition	...	Mar. 5.	April 2.					
Stamp Duties Assimilation	Feb. 20.	Feb. 21.	Feb. 27.	Mar. 5.	Mar. 6.	Mar. 11.	Mar. 14.	Mar. 18.
Statute Labour [*Scotland*]	Apr. 10.	Apr. 10.						
St. Asaph and Bangor Dioceses	Lords Bill.	...	...	...	Apr. 11.	Withdrawn.		
St. Asaph and Bangor and Manchester Dioceses	Lords Bill.	...	...	...	Apr. 24.			
Sugar Duties	Mar. 10.	Mar. 11.	Mar. 12.	Mar. 18.	Apr. 3.	Apr. 7.	Apr. 11.	Apr. 24.
Sugar (Excise Duties)	Apr. 8.	Apr. 8.	Apr. 11.	Apr. 16.	Apr. 17.	Apr. 29.	May 6.	May 8.
Turnpike Roads Act Amendment [*Scotland*]	Lords Bill.	...	...	...	Apr. 29.	May 16.		
Universities of Scotland	May 1.	May 5.						

PRIVATE BILLS.

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Aberdare	[*Railway*]	Apr. 7.	Apr. 23.	May 16.					
Aberdeen	[*Railway*]	Feb. 28.	Mar. 20.	Apr. 14.					
Agricultural and Commercial	[*Bank of Ireland*]	Feb. 27.	Mar. 31.	Apr. 25.					
Amicable Society Assurance	[*Company*]	Feb. 21.	Mar. 7.	Mar. 14.	Apr. 16.	Apr. 17.	Apr. 21.	May 5.	May 8.
Anderston	[*Municipal & Police*]	Feb. 26.	Mar. 19.	Apr. 7.					
Argyll's (Duke of)	[*Estate*]	Lords Bill.	May 15.	May 26.		Apr. 3.	Apr.	May 8.	
Ashton, Stalybridge, and Liverpool Junction (Ardwick and Guide Bridge Branches)	[*Railway*]	Feb. 5.	Feb. 19.	Feb. 24.					
Barnsley Junction	[*Railway*]	Feb. 14.	Feb. 27.	Mar. 4.					
Barrington's (Lord)	[*Estate*]	Lords Bill.							
Battersea	[*Poor*]	Feb. 27	Mar. 14.	Apr. 9.					
Bedford and London and Birmingham	[*Railway*]	Feb. 27.	Mar. 13.	Apr. 8.	May 30.	June 2.			
Belfast	[*Improvement*]	Feb. 26.	Mar. 20.	Apr. 8.					
Belfast and Ballymena	[*Railway*]	Feb. 7.	Mar. 4.	Mar. 10.					
Belfast Lough	[*Drainage*]	Feb. 28.	Apr. 18.	Withdrawn.					
Berks and Hants	[*Railway*]	Feb. 24.	Mar. 11.	Mar. 17.	June 2.	June 3.			
Bermondsey	[*Improvement*] (No. 1)	Feb. 28.	Apr. 11.	Withdrawn.					
Bermondsey	[*Improvement*] (No. 2)	Motion.	Apr. 18.	May 28.					
Birkenhead (Commissioners')	[*Dock*]	Feb. 7.	Feb. 20.	Feb. 24.	Apr. 1.	Apr. 3.	Apr. 8.	Apr. 18.	May 8.
Birkenhead (Company's)	[*Docks*]	Feb. 12.	Feb. 26.	Mar. 3.	Apr. 3.	Apr. 3.	Apr. 5.	May 19.	
Birkenhead, Manchester, and Cheshire Junction	[*Railway*] (No. 1)	Mar. 20.							
Birkenhead, Manchester, and Cheshire Junction	[*Railway*] (No. 2)	May 7.							
Birmingham	[*Improvement*]	Feb. 27.	Mar. 13.						
Birmingham Blue Coat School	[*Estate*]	Lords Bill.							
Birmingham and Gloucester	[*Railway Acts Amend.*]	Mar. 20.							

PRIVATE BILLS—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Birmingham and Gloucester, (Gloucester Extensions, Stoke Branch, and Midland Railways Junction)	[*Railway*]	Mar. 31.	May 9.	May 19.					
Birmingham and Gloucester (Wolverhampton Line)	[*Railway*]	Mar. 31.	May 9.	May 15.					
Birmingham and Gloucester (Worcester Branch and Cheltenham Extensions)	[*Railway*]	Mar. 31.	May 30.						
Birmingham and Gloucester (Worcester Deviation)	[*Railway*]	Mar. 31.	May 9.	May 16.					
Birmingham and Staffordshire	[*Gas*]	Feb. 13.	Feb. 26.	Mar. 3.	Apr. 16.	Apr. 17.	Apr. 21.	May 20.	
Blackburn	[*Waterworks*]	Feb. 25.	Mar. 13.	Apr. 4.	May 28.	May 30.	June 3.		
Blackburn and Preston	[*Railway*]	Feb. 25.	Mar. 12.	Mar. 17.					
Blackburn, Burnley, Accrington, and Colne Extension	[*Railway*]	Feb. 10.	Feb. 26.	Mar. 4.	May 9.	May 23.	June 3.		
Blackburn, Darwen, and Bolton	[*Railway*]	Feb. 21.	Mar. 13.	Apr. 8.	May 30.				
Black Sluice	[*Drainage and Navigation*]	Feb. 25.	Mar. 12.	Mar. 18.					
Boddam	[*Harbour*]	Feb. 27.	Mar. 31.	Apr. 14.	May 9.	May 16.	May 19.	May 23.	
Boileau's	[*Divorce*]	Lords Bill.	Apr. 21.	Apr. 30.	...	Mar. 18.	Apr. 8.	Apr. 15.	
Bolton and Leigh, Kenyon and Leigh Junction, North Union, Liverpool and Manchester, and Grand Junction Railway Companies' Amalgamation		May 15.							
(Bowe's)	[*Estate*]	Lords Bill.							
Bradford	[*Gas*]	Feb. 19.	Mar. 5.	Mar. 10.	Apr. 22.	Apr. 22.	Apr. 25.	May 5.	May 20.
Bridgeton	[*Municipal & Police*]	Feb. 13.	Mar. 10.	Apr. 4.					
Bridgwater	[*Navigation & Railway*]	Feb. 14.	Feb. 27.	Mar. 3.					
Bridgwater's (Duke of)	[*Estate*]	Lords Bill.							

TITLE OF BILL. (PROGRESS THROUGH)	COMMONS.				LORDS.			ROYAL ASSENT.
	PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Brighton and Chichester (Portsmouth Extension) . . [*Railway*] . .	Feb. 21.	Apr. 9.	Apr. 22.					
Brighton, Lewes, and Hastings (Keymer Branch) . . [*Railway*] . .	Feb. 28.	Mar. 13.	Mar. 31.					
Brighton, Lewes, and Hastings (Hastings, Rye, and Ashford Extension) . . . [*Railway*] . .	May 9.	May 28.	June 2.					
Bristol . . . [*Parochial Rates*] (No. 1) .	Feb. 27.	Mar. 17.	Apr. 15.	Withdrawn.				
Bristol . . . [*Parochial Rates*] (No. 2) .	Motion							
Bristol and Exeter . . [*Railway Branches*] .	Mar. 18.	Apr. 11.	May 2.	May 30.				
Bristol and Gloucester . . [*Railway*] (No. 1) .	Mar. 20.							
Bristol and Gloucester . . [*Railway*] (No. 2) .	Apr. 11.	May 2.	May 19.	Withdrawn.				
Bristol and Gloucester, and Birmingham and Gloucester [*Railways*] . .	Feb. 28.							
Bristol (Redcliff) . . [*Bridge*] . .	Feb. 27.	Mar. 12.	Withdrawn.					
Britten's . . . . [*Divorce*] . .	Lords Bill.	Feb. 28.	Mar. 5.	Apr. 14.	Feb. 26.	Feb. 24.	Feb. 28	
Burnley . . . . [*Improvement*] . .	Feb. 21.							
Caledonian . . . . [*Railway*] . .	Feb. 5.	Feb. 25.	Mar. 3.					
Calton and Bridgeton . . [*Police*] . .	Feb. 19.	Mar. 12.	Apr. 4.					
Calvert's . . . . [*Estate*] . .	Lords Bill.	Apr. 21.	Apr. 25.	May 19.	Mar. 4.	Mar. 11.	Apr. 15.	May 20.
Cambridge and Lincoln . . [*Railway*] . .	Feb. 14.	Mar. 5.	Mar. 10.					
Castle Hill (Wexford) . . [*Docks*] . .	Feb. 28.	Apr. 4.	Apr. 18.	May 28.	May 30.	June 3.		
Chelsea . . . . [*Improvement*] . .	Feb. 28.	Mar. 17.	Apr. 14.					
Chester . . . . [*Improvement*] . .	Feb. 28.	Mar. 19.	Apr. 14.	June 2.	June 2.			
Chester & Birkenhead Extension [*Railway*] . .	Feb. 7.	Feb. 20.	Feb. 25.					
Chester and Holyhead . . [*Railway*] (No. 1.)	Feb. 13.	Feb. 26.	Mar. 3.	May 28.	May 30.			
Chester and Holyhead (Mold Branch and Purchase of Chester and Birkenhead) . [*Railway*] (No. 2) .	Mar. 20.	Apr. 10.	Ap. 21.					
Chester, Manchester, and Liverpool Junction . . [*Railway*] . .	Mar. 17.							

PRIVATE BILLS—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Churnet Valley	[*Railway*]	Mar. 3.							
Claughton cum Grange (St. Andrew's)	[*Church*]	Feb. 24.	Mar. 11.	Apr. 18.					
Claughton cum Grange (St. John the Baptist's)	[*Church*]	Feb. 24.	Mar. 11.	Apr. 18.					
Clerkenwell	[*Improvement*]	Feb. 28.	Mar. 13.	Mar. 31.	Apr. 28.	Apr. 28.	May 2.	May 20.	
Clifton	[*Bridge*]	Feb. 28.	Apr. 7.	Apr. 15.	May 8.	May 8.	May 19.	May 23.	
Clydesdale Junction	[*Railway*]	Feb. 10.	Mar. 11.	Mar. 17.					
Cockermouth and Workington	[*Railway*]	Feb. 7.	Feb. 20.	Feb. 25.					
Cork and Bandon	[*Railway*]	Feb. 28.	Apr. 11.	Apr. 25.					
Cornwall	[*Railway*]	Feb. 13.	Mar. 17.	Apr. 7.					
Coventry, Bedworth, and Nuneaton	[*Railway*]	Mar. 7.	Apr. 8.	Apr. 21.					
Crediton	[*Small Debts*]	Feb. 28.	Mar. 13.	Apr. 7.	May 5.	June 2.			
Cromer Protection from the Sea		Feb. 28.	Apr. 4.	Apr. 21.	May 28.	May 30.	June 3.		
Cromford	[*Canal*]	Feb. 14.	Feb. 27.	Mar. 3.					
Darby Court (Westminster)		Motion							
Devonport	[*Gas & Coke*]	Feb. 11.	Feb. 26.	Mar. 3.	Apr. 21.	May 5.	...	May 22.	
Dick's	[*Estate*]	Lords Bill							
Direct London and Portsmouth	[*Railway*]	Mar. 18.	Apr. 7.	Apr. 21.					
Direct Northern	[*Railway*] (No. 1)	Feb. 21.	Withdrawn.						
Direct Northern (Lincoln to York)	[*Railway*] (No. 2)	Mar. 20.							
Diss and Colchester Junction	[*Railway*	Mar. 20.							
Diss, Beccles, and Yarmouth	[*Railway*]	Mar. 14.	May 26.	May 30.	Withdrawn.				
Donegall's (Marquess of)	[*Estate*]	Lords Bill							
Dublin	[*Cemeteries*]	Feb. 28.							
Dublin	[*Pipe Water*] (No. 1)	Feb. 28.	Apr. 10.	Apr. 25.	Withdrawn.				
Dublin	[*Pipe Water*] (No. 2)	Motion							
Dublin and Belfast Junction, (Branch to Kells)	[*Railway*]	Feb. 25.	Apr. 10.	Apr. 25.					

PRIVATE BILLS—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Dublin and Drogheda	[*Railway*]	Feb. 24.	Mar. 14.	Apr. 4.					
Duddeston and Nechells	[*Improvement*] (No. 1)	Feb. 27.	Mar. 13.	Withdrawn.					
Duddeston and Nechells	[*Improvement* (No. 2)	Motion.	Apr. 15.	May 2.					
Dundalk and Enniskillen	[*Railway*]	Feb. 24.	Mar. 17.	Apr. 4.					
Dundee	[*Waterworks*]	Feb. 27.	Mar. 20.	Apr. 11.					
Dundee and Perth	[*Railway*]	Feb. 27.	Mar. 20.	Apr. 11.					
Dunstable and London and Birmingham	[*Railway*]	Mar. 6.	Apr. 4.	Apr. 21.	May 30.	June 2.			
East Dereham and Norwich	[*Railway*]	Mar. 31.							
Eastern Counties (Cambridge and Bury St. Edmunds' Extension)	[*Railway*]	May 23.							
Eastern Counties (Cambridge and Huntingdon Line)	[*Railway*]	Feb. 12.	Feb. 26.	Mar. 10.					
Eastern Counties (Ely and Whittlesea Deviation)	[*Railway*]	Feb. 12.	Feb. 26.	Mar. 4.	May 29.	May 30.			
Eastern Counties (Hertford and Biggleswade Line)	[*Railway*]	Feb. 12.	Mar. 3.	Mar. 7.					
Eastern Union	[*Railway*]	Feb. 28.	Mar. 14.	Apr. 7.					
Eastern Union and Bury St. Edmund's	[*Railway*] (No. 1)	Mar. 7.							
Eastern Union and Bury St. Edmund's	[*Railway*] (No. 2)	Mar. 19.	Apr. 17.	Apr. 30.					
Eastern Union and Norwich	[*Railway*] (No. 1)	Mar. 7.							
Eastern Union and Norwich	[*Railway*] (No. 2)	Mar. 19.							
Eastern Union (Harwich)	[*Railway and Pier*] (No. 1)	Apr. 7.	Withdrawn.						
Eastern Union (Harwich)	[*Railway and Pier*] (No. 2)	Apr. 10.							
Edinburgh and Glasgow	[*Railway*]	Feb. 5.	Mar. 4.	Mar. 10.	May 28.				
Edinburgh and Hawick	[*Railway*]	Feb. 11.	Mar. 10.	Mar. 14.					
Edinburgh and Northern	[*Railway*] (No. 1)	Mar. 5.							
Edinburgh and Northern	[*Railway*] (No. 2)	Mar. 19.	Apr. 8.	Apr. 21					

TITLE OF BILL. PROGRESS THROUGH	COMMONS. PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	COMMONS. BILL READ 1°.	COMMONS. BILL READ 2°.	COMMONS. BILL READ 3°.	LORDS. BILL READ 1ª.	LORDS. BILL READ 2ª.	LORDS. BILL READ 3ª.	ROYAL ASSENT.
Edinburgh Life Assurance . [*Company*] . .	Feb. 27.	Mar. 19.	Apr. 11.	May 5.	May 6.	May 8.	May 22.	
Ellesmere and Chester and Birmingham and Liverpool Junction . . . . . [*Canals Union*] .	Feb. 6.	Feb. 19.	Feb. 24.	Apr. 14.	Apr. 14.	Apr. 17.	May 5.	May 8.
Ellison's . . . . [*Estate*] . . .	Lords Bill.	...	...	...	May 19.	May 22.		
Ely and Huntingdon . . [*Railway*] . .	Mar. 18.	Apr. 7.	Apr. 23.	May 30.				
Epping . . . . [*Railway*] . .	May 23.							
Epsom and Dorking . . [*Railway*] . .	Apr. 2.	Apr. 17.	Apr. 30.					
Erewash Valley . . . [*Railway*] (No. 1) .	Feb. 24.	Mar. 17.	Apr. 9.	Withdrawn.				
Erewash Valley . . . [*Railway*] (No. 2) .	Motion.	Apr. 22.	Apr. 30.					
Exeter and Crediton . . [*Railway*] . .	Mar. 20.	Apr. 10.	Apr. 22.	May 29.	May 30.			
Falmouth . . . . [*Harbour Improvement*]	Feb. 25.	Mar. 12.	Mar. 18.					
Fisher Lane (Greenwich) . [*Improvement*] . .	Motion.	Feb. 13.	Mar. 10.	Apr. 14.	Apr. 15.	Apr. 24.	Apr. 28.	May 8.
Forth and Clyde . . . [*Navigation*] . .	Feb. 14.	Mar. 5.	Mar. 10.	Apr. 17.	Apr. 17.	...	...	May 8.
Forth and Clyde Navigation and Union . . . [*Canal Junction*] (No. 1) .	Feb. 25.							
Forth and Clyde Navigation and Union . . [*Canal Junction*] (No. 2) .	Feb. 27.	Mar. 20.	Apr. 14.	...	Apr. 17.	Apr. 21.	Apr. 25.	
Foulmire . . . . [*Inclosure*] . .	Feb. 11.	Mar. 7.	Mar. 14.	Apr. 25.	Apr. 28.	May 2.	May 16.	May 20.
Gildart's (or Sherwen's) . [*Estate*] . .	Lords Bill.	...	...	...	May 16.	May 22.		
Glasgow . . . . [*Bridges*] . .	Feb. 25.	Mar. 17.	Apr. 4.	May 23.	May 26.			
Glasgow Harbour Union . [*Railway*] . .	Apr. 3.							
Glasgow . . . . [*Markets*] . .	Feb. 27.	Mar. 19.	Apr. 11.	June 3.	June 3.			
Glasgow . . . . [*Police*] . .	Feb. 28.	Mar. 19.	Apr. 8.					
Glasgow and Shotts . . [*Road*] . . .	Feb. 25.	Mar. 18.	Apr. 4.	May 1.	May 2.	May 6.	May 16.	May 20
Glasgow, Barrhead, and Neilston Direct . . . [*Railway*] . .	Mar. 14.	Apr. 25.	May 2.					
Glasgow, Dumfries & Carlisle [*Railway*] . .	Feb. 5.	Feb. 25.	Mar. 3.					
Glasgow, Garnkirk, and Coatbridge . . . . [*Railway*] . .	Feb. 27.	Mar. 19.	Apr. 11.					
Glasgow Junction . . [*Railway*] . .	Feb. 6.	Mar. 7.	Apr. 14.					

PRIVATE BILLS—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH	COMMONS. PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	COMMONS. BILL READ 1°.	COMMONS. BILL READ 2°.	COMMONS. BILL READ 3°.	LORDS. BILL READ 1ª.	LORDS. BILL READ 2ª.	LORDS. BILL READ 3ª.	ROYAL ASSENT.
Glasgow, Paisley, Kilmarnock, and Ayr (Barrhead Branch)	[*Railway*]	Feb. 6.	Mar. 7.	Mar. 17.					
Glasgow, Paisley, Kilmarnock and Ayr (Cumnock Extension)	[*Railway*]	In pursuance of Instruction to Committee on the above Bill.							
Glossop	[*Gas*]	Feb. 27.	Mar. 12.	Apr. 7.					
Gloucester and Dean Forest	[*Railway*]	Mar. 31.							
Goole and Doncaster	[*Railway*]	Apr. 10.	May 26.	May 30.					
Grand Junction	[*Railway*]	Mar. 7.	Apr. 10.	Apr. 28.					
Gravesend and Rochester	[*Railway*]	Mar. 20.	Apr. 24.	May 9.					
Great Grimsby and Sheffield Junction	[*Railway*]	Feb. 10.	Feb. 25.	Mar. 3.	May 29.				
Great North of England (Clarence & Hartlepool Junction)	[*Railway*]	Mar. 19.	Apr. 11.	May 9.					
Great North of England and Richmond	[*Railway*]	In pursuance of Instruction to Committee on Harrogate and Ripon Junction Railway to divide the Bill into two Bills.							
Great Southern and Western (Ireland)	[*Railway*]	Feb. 18.	Mar. 13.	Apr. 7.					
Great Western, (Ireland) (Dublin to Mullingar and Athlone)	[*Railway*]	Mar. 20.	May 9.	May 15.					
Greenwich Colliery	[*Railway*]	Motion.	Feb. 17.	Apr. 7.					
Gresham	[*Avenue*]	Feb. 28.							
Grimsby	[*Docks*]	May 9.	May 23.	June 2.					
Guildford, Chichester, and Portsmouth	[*Railway*]	Feb. 5.	Feb. 26.	Mar. 3.					
Guildford Junction	[*Railway*]	Feb. 28.	May 1.	May 9.					
Hamilton	[*Gas*]	Feb. 28.							
Harrogate and Ripon Junction	[*Railway*]	Feb. 27.	Mar. 14.	Apr. 8.					
Hartlepool	[*Pier and Port*]	Feb. 27.	Mar. 12.	Apr. 14.					

TITLE OF BILL.	PROGRESS THROUGH—	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Harwell and Streatley	[*Road*]	Feb. 13.	Mar. 4.	Apr. 16.					
Harwich	[*Railway*]	Apr. 21.							
Harwich and Eastern Counties Junction	[*Railway*] (No. 1)	Mar. 5.							
Harwich and Eastern Counties Junction	[*Railway*] (No. 2)	Apr. 8.							
Hawkins's	[*Estate*]	Lords Bill.	...	...	...	May 16.	May 23.		
Heaviside's	[*Divorce*]	Lords Bill.	...	...	...	May 19.			
Hemel Hempsted	[*Small Tenements*]	Feb. 27.	Mar. 13.	Apr. 15.	May 19.	May 19.	May 22.	June 2.	
Heywood (No. 1)	[*Waterworks*]	Feb. 12.							
Heywood (No. 2)	[*Waterworks*]	Feb. 12.	Withdrawn.						
Hill's	[*Estate*]	Lords Bill.	...	...	...	May 30.			
Huddersfield	[*Waterworks*]	Feb. 24.	Mar. 11.	Apr. 8.	May 7.	May 8.	May 20.	May 23.	
Huddersfield and Manchester	[*Railway & Canal*]	Feb. 10.	Feb. 25.	Mar. 3.	May 28.	May 30.			
Huddersfield and Sheffield Junction	[*Railway*]	Feb. 14.	Feb. 27.	Mar. 4.	May 28.	May 30.			
Hull and Gainsborough	[*Railway*]	Mar. 7.							
Hull and Selby (Bridlington Branch)	[*Railway*]	Feb. 6.	Feb. 20.	Feb. 24.	May 30.	June 2.			
Hungerford and Lambeth	[*Suspension Foot Bridge*]	Feb. 28.	Mar. 20.	Apr. 14.	May 7.	May 8.	May 19.	May 30.	
Irish Great Western (Dublin to Galway)	[*Railway*]	Mar. 10.	May 8.	May 23.					
Kendal	[*Reservoirs*]	Feb. 28.	Mar. 13.	Apr. 23.					
Kendal and Windermere	[*Railway*]	Feb. 7.	Feb. 20.	Feb. 24.					
Keyingham	[*Drainage*]	Feb. 27.	Mar. 20.	Apr. 9.					
Kidwelly	[*Inclosure*]	Feb. 27.	Mar. 12.	Apr. 16.					
Kingston upon Hull	[*Docks*]	Feb. 5.	Feb. 19.	Feb. 24.	Apr. 14.	Apr. 15.	Apr. 17.	Apr. 28.	May 8.
Kingstown and Bray	[*Railway*]	Mar. 5.							
Labouring Classes Improvement	[*Society*]	Feb. 6.	Feb. 19.						
Lady's Island and Tacumshin	[*Embankment*]	Feb. 28.	Apr. 17.	May 23.					

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Lancaster and Carlisle	[*Railway*]	Feb. 7.	Feb. 20.	Feb. 24.					
Launceston and South Devon	[*Railway*]	Feb. 24.	Mar. 11.	Mar. 17.					
Leeds and Bradford Extension (Shipley to Colne)	[*Railway*]	Feb. 6.	Feb. 19.	Feb. 24.	May 28.	May 30.			
Leeds and Bradford Railway	[*Mistake Rectifying*]	Lords Bill.							
Leeds and Thirsk	[*Railway*]	Feb. 14.	Feb. 27.	Mar. 4.					
Leeds and West Riding Junction	[*Railway*]	Feb. 5.	Feb. 19.	Feb. 24.					
Leeds, Dewsbury, and Manchester Junction	[*Railway*]	Feb. 5.	Feb. 19.	Feb. 24.	May 28.	May 30.			
Leicester Freemen's	[*Allotments*]	Feb. 11.	Feb. 27.	Mar. 13.					
Liverpool	[*Docks*]	Feb. 6.	Feb. 19.	Feb. 24.	Apr. 24.	May 2.	May 6.	May 19.	May 20.
Liverpool and Bury (Bolton Wigan, and Liverpool and Bury Extension)	[*Railway*]	Feb. 28.	Apr. 4.	Apr. 21.					
Liverpool Guardian	[*Gas*]	Feb. 25.	Mar. 12.	Mar. 18.					
Liverpool and Manchester	[*Railway*]	Apr. 9.	May 1.	May 16.					
Liverpool and Manchester, North Union, Bolton and Leigh, and Kenyon and Leigh Junction Railway Companies Amalgamation		May 19.							
Liverpool, Ormskirk, and Preston	[*Railway*]	Apr. 9.							
Liverpool, Ormskirk, and Preston (Skelmersdale Branch)	[*Railway*]	Apr. 9.							
London and Birmingham	[*Railway*]	Mar. 20.							
London and Brighton (Dorking Branch)	[*Railway*]	Apr. 3.							
London and Brighton (Horsham Branch)	[*Railway*]	Apr. 15.	May 1.	May 9.					

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1a.	BILL READ 2a.	BILL READ 3a.	
London and Brighton (Wandsworth Branch)	[*Railway*]	Apr. 3.							
London and Croydon (Chatham and Gravesend)	[*Railway*]	Mar. 20.	May 5.	May 15.					
London and Croydon (Chatham to Chilham)	[*Railway*]	Mar. 20.	May 5.	May 15.					
London and Croydon Enlargement, Orpington Branch	[*Railway*]	Mar. 5.	Withdrawn.						
London and Croydon (Kentish Lines)	[*Railway*]	Mar. 5.							
London and Croydon (Maidstone, Ashford, and Tonbridge)	[*Railway*]	Mar. 20.	May 5.	May 15.					
London and Croydon (Orpington Branch)	[*Railway*]	Mar. 20.	May 5.	May 15.					
London and Croydon	[*Railway Enlargement*]	Mar. 20.	May 5.	May 15.					
London and Greenwich	[*Railway*]	Feb. 27.	Mar. 12.	Apr. 23.					
London and Norwich Direct	[*Railway*]	Mar. 31.	Apr. 28.	May 5.					
London and South Western (Epsom Branch)	[*Railway*]	Apr. 3.							
London and South Western (Metropolitan Extension)	[*Railway*] (No. 1)	Feb. 5.	Feb. 19.	Feb. 24.					
London and South Western	[*Railway*] (No. 2)	Feb. 28.	Mar. 13.	Mar. 31.					
London and Worcester and South Staffordshire (Dudley and Sedgley Branch	[*Railway*]	Mar. 19.	Apr. 17.	May 2.					
London and York	[*Railway*]	Feb. 6.	Feb. 21.	Mar. 3.					
London, Chatham, and North Kent	[*Railway*]	Feb. 28.	Apr. 28.	May 2.					
Londonderry and Coleraine	[*Railway*]	Apr. 3.	May 7.	May 19.					
Londonderry and Enniskillen	[*Railway*]	Apr. 3.	May 2.	May 9.					

TITLE OF BILL. (PROGRESS THROUGH)	COMMONS.				LORDS.			ROYAL ASSENT.
	PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
London Orphan . . . [*Asylum*] . . .	Feb. 26.	Mar. 12.	Mar. 31.	Apr. 24.	Apr. 24.	Apr. 28.	May 5.	May 8.
London, Worcester, and South Staffordshire (Extension from Dudley to Wolverhampton [*Railway*] . .	Mar. 20.	Apr. 23.	May 2.					
London, Worcester, and South Staffordshire . . . [*Railway*] . .	Feb. 14.	Mar. 7.	Mar. 14.					
Lowestoft . . . . [*Railway & Harbour*].	Feb. 27.	Mar. 14.	Apr. 4.					
Lutwidge's (or Fletcher's) [*Estate*] . . .	Lords Bill	...	...	...	June 3.			
Lyme Regis . [*Improvem. Mark. & Waterw.*]	Feb. 28.	Apr. 4.	Apr. 18.					
Lynn and Dereham . . [*Railway*] . .	Mar. 20.	Apr. 7.	Apr. 21.					
Lynn and Ely . . . [*Railway*] . .	Feb. 14.	Mar. 4.	Mar. 10.	May 30.				
Manchester . . [*Court of Record*] (No. 1) .	Feb. 28.	Mar. 14.	Withdrawn.					
Manchester . . [*Court of Record*] (No. 2) .	Motion.	Apr. 25.	May 7.					
Manchester . . . . [*Improvement*] .	Feb. 28.	Mar. 19.	Apr. 14.					
Manchester and Birmingham (Ashton Branch) . . [*Railway*] . .	Feb. 5.	Feb. 19.	Feb. 24.					
Manchester and Buxton . . [*Railway*] . .	Feb. 13.							
Manchester and Leeds . . [*Railway*] (No. 1) .	Feb. 5.	Feb. 19.	Feb. 24.	Withdrawn.				
Manchester and Leeds [*Railway*] (No. 2) . .	Motion.							
Manchester and Leeds (Burnley Branch and Oldham and Heywood Branches Extension) [*Railway*] . .	Feb. 5.	Feb. 19.	Feb. 24.	May 28.	May 30.			
Manchester and Salford . . [*Waterworks*] .	Feb. 17.	Mar. 4.	Mar. 10.	Withdrawn.				
Manchester, Bury, and Rossendale [*Railway*] . .	Feb. 27.	Mar. 13.	Apr. 8.					
Manchester, Bury, and Rossendale (Heywood Branch) . [*Railway*] . .	Feb. 14.	Feb. 28.	Mar. 4.	Withdrawn.				
Manchester Division [*Stipendiary Magistrate*] .	Feb. 7.	Feb. 20.	Feb. 24.	Apr. 16.	Apr. 17.	Apr. 21.	Apr. 25.	May 8.
Manchester, Leeds, and Hull Associated . . . . [*Railway Companies*]	Feb. 28.	Mar. 19.	Withdrawn.					
Manchester, Sheffield, and Midland Junction . . [*Railway*] . .	Mar. 7.	Mar. 20.	Apr. 15.					

PRIVATE BILLS—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Manchester South Junction and Altrincham	[*Railway*]	Feb. 10.	Feb. 25.	Mar. 3.					
Marsh's (or Coxhead's)	[*Estate*]	Lords Bill.							
Middlesbro' and Redcar	[*Railway*]	Feb. 27.	Mar. 19.	Apr. 8.					
Middlesex	[*County Rate*]	Feb. 26.	Mar. 20.	Apr. 14.	May 5.	May 6.	May 16.	May 22.	
Midland Branches	[*Railway*]	Mar. 6.	Mar. 20.						
Midland (Ely to Lincoln)	[*Railways*]	Feb. 27.	Mar. 13.	Mar. 31.					
Midland (Nottingham to Lincoln)	[*Railways*]	Feb. 27.	Mar. 14.	Mar. 31.	June 2.	June 2.			
Midland Railways Company (Birmingham and Gloucester and Bristol and Gloucester)	[*Railways Purchase*]	Mar. 20.							
Midland (Swinton to Lincoln)	[*Railways*]	Feb. 27.	Mar. 14.	Mar. 31.					
Midland (Syston to Peterboro')	[*Railways*]	Feb. 27.	Mar. 14.	Mar. 31.	June 2.	June 3.			
Molyneux's	[*Estate*] L.	Lords Bill.	May 19.	June 2.	...	Apr. 22.	Apr. 25.	May 19.	
Molyneux (or Follett's)	[*Estate*]	Lords Bill.							
Monkland and Kirkintilloch	[*Railway*]	Feb. 5.	Feb. 25.	Mar. 3.					
Monmouth and Hereford	[*Railway*]	Mar. 5.	Apr. 10.	Apr. 22.					
Monson's (Lord)	[*Estate*]	Lords Bill.	...	...	...	May 16.	May 20.		
Morden College	[*Estate*]	Lords Bill.	...	...	...	May 8.	May 16.		
Newark and Sheffield	[*Railway*]	Feb. 26.	Mar. 12.	Mar. 17.					
Newcastle and Berwick	[*Railway*]	Feb. 11.	Mar. 4.	Mar. 10.					
Newcastle and Darlington (Brandling Junction)	[*Railway*]	Feb. 12.	Mar. 3.	Mar. 7.					
Newcastle upon Tyne	[*Coal Turn*]	Feb. 18.	Mar. 13.	Apr. 4.					
Newcastle upon Tyne	[*Port*]	Feb. 28.	Mar. 13.	Apr. 1.	May 5.	May 5.	May 8.	May 30.	
Newcastle upon Tyne and North Shields (Tynemouth Extension, &c.)	[*Railway*]	Feb. 18.	Mar. 13.	Apr. 1.					
Newport and Pontypool	[*Railway*]	Feb. 24.	Mar. 12.	Apr. 11.					
Newry and Enniskillen	[*Railway*]	Mar. 7.	Apr. 11.	Apr. 25.					
North British	[*Insurance Company*]	Feb. 28.	Mar. 20.	Apr. 14.					

PRIVATE BILLS—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
North British	[*Railway*]	Feb. 18.	Mar. 10.	Mar. 17.					
Northumberland	[*Railway*]	Mar. 4.	Apr. 7.	Apr. 21.					
North Union and Ribble Navigation Branch	[*Railway*]	Mar. 5.	Mar. 19.	Apr. 14.					
North Wales	[*Railway*]	Mar. 20.	Apr. 16.	Apr. 28.					
North Wales Mineral	[*Railway*]	Apr. 8.	Apr. 28.	May 5.					
North Walsham School	[*Estate*]	Lords Bill.							
North Woolwich	[*Railway*]	Feb. 27.	Mar. 18.	Apr. 7.					
Norwich and Brandon Deviation (and Diss and Dereham) Branches	[*Railway*]	Feb. 6.	Feb. 27.	Mar. 3.					
Nottingham	[*Inclosure*]	Feb. 28.	Mar. 13.	Apr. 1.	May 7.	May 8.	May 19.		
Nottingham	[*Waterworks*]	Feb. 10.	Feb. 25.	Mar. 3.	May 23.	May 26.	June 2.		
Onslow's (Earl of) or Elleker's	[*Estate*]	Lords Bill.	...	...	...	May 23.	May 30.		
Oxford	[*Mileways*]	Feb. 24.	Mar. 12.						
Oxford and Rugby	[*Railway*]	Feb. 20.	Mar. 5.	Mar. 10.					
Oxford, Worcester, and Wolverhampton	[*Railway*]	Mar. 6.	Mar. 19.	Apr. 8.					
Paisley	[*Gas*]	Feb. 21.	Mar. 12.	Mar. 31.	Apr. 25.	Apr. 28.	May 2.	June 3.	
Plymouth and Stonehouse	[*Gas*]	Feb. 6.	Feb. 19.	Mar. 3.	Apr. 21.	...	May 5.	May 22.	
Portarlington and Tullamore	[*Railway*]	Apr. 10.							
Powis's (Earl of) or Robinson's	[*Estate*]	Lords Bill.							
Preston and Wyre	[*Railway Branches*]	Mar. 20.	Apr. 10.	Apr. 22.					
Pudsey	[*Gas*]	Feb. 5.	Feb. 19.	Feb. 24.	Apr. 2.	Apr. 3.	Apr. 5.	May 19.	
Quinborowe	[*Borough*]	Feb. 28.	Mar. 19.	Apr. 14.					
Reversionary Interest	[*Society*] (No. 1)	Feb. 28.							
Reversionary Interest	[*Society*] (No. 2)	Apr. 9.	Apr. 23.	Apr. 30.					
Richmond (Surrey)	[*Railway*]	Feb. 5.	Feb. 19.	Feb. 24.					
Rochdale Vicarage (Molesworth's)	[*Estate*]	Lords Bill.	...	...	...	May 8.	May 19.		
Rothwell	[*Gaol*]	Motion.							
Royal Naval	[*School*]	Feb. 28.	Mar. 19.	Apr. 14.	May 5.	May 6.	May 16.	May 26.	

PRIVATE BILLS—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Runcorn and Preston Brook	[*Railway and Docks*]	Mar. 17.	Apr. 10.	Apr. 28					
Rye and Tenterden	[*Railway*]	Mar. 5.	Mar. 19.	Apr. 8.					
St. Helen's	[*Canal and Railway*]	Feb. 28.	Mar. 13.	Apr. 4.					
St. Helen's	[*Improvement*]	Feb. 25.	Mar. 12.	Apr. 4.					
St. Ives Junction	[*Railway*]	Mar. 20.	Apr. 8.	Apr. 21.					
St. Mathew, Bethnal Green	[*Rectory*]	Feb. 28.	Mar. 18.	Apr. 18.					
Sampson's	[*Estate*]	Lords Bill.							
Sandy's (Lady) or Turner's	[*Estate*]	Lords Bill.	...	...	...	May 2.	May 6.		
Scarborough	[*Waterworks*]	Feb. 19.	Mar. 5.	Mar. 10.	May 16.	May 16.	May 20.	May 30.	
Scottish Central	[*Railway*]	Feb. 11.	Mar. 4.	Mar. 10.	June 2.	June 2.			
Scottish Midland Junction	[*Railway*]	Mar. 19.	Apr. 9.	Apr. 22.					
Severne's	[*Estate*]	Lords Bill.							
Shaw's	[*Waterworks*]	Feb. 25.	Mar. 17.	Apr. 4.					
Sheffield	[*Waterworks*]	Feb. 18.	Mar. 5.	Mar. 17.					
Sheffield & Lincolnshire Junction	[*Railway*]	Feb. 11.	Mar. 12.	Mar. 17.					
Sheffield and Rotherham	[*Railway*]	Mar. 6.	Mar. 31.	Apr. 28.					
Sheffield and Tinsley	[*Canal*]	Feb. 27.	Mar. 12.	Apr. 14.					
Sheffield Ashton-under-Lyne and Manchester	[*Railway*]	Feb. 27.	Mar. 12.	Mar. 31.	Withdrawn.				
Shelsley	[*Road*]	Feb. 25.	Mar. 12.	Mar. 17.	Apr. 24.	Apr. 24.	Apr. 28.	May 6.	May 8.
Shepley Lane Head & Barnsley	[*Road*]	Feb. 28.	Mar. 14.	Apr. 7.					
Shrewsbury and Birmingham	[*Railway*]	Feb. 6.							
Shrewsbury and Grand Junction	[*Railway*]	Mar. 18.							
Shrewsbury, Oswestry, and Chester Junction	[*Railway*]	Feb. 28.	Mar. 13.	Mar. 31.	May 28.	May 30.			
Shuldam's	[*Divorce*]	Lords Bill.							
Skerries	[*Harbour*]	Feb. 28.	May 16.						
Southampton	[*Docks*]	Feb. 14.	Mar. 3.	Mar. 10.	May 15.	May 16.	May 20.	May 30.	
Southampton and Dorchester	[*Railway*]	Mar. 4.	Apr. 4.	Apr. 21.	June 2.	June 2.			
South Devon (Tavistock and other Branches)	[*Railway*]	Feb. 24.	Mar. 11.	Mar. 17.					

PRIVATE BILLS—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
South Eastern	[*Railway*]	Feb. 18.							
South Eastern (Ashford to Hastings	[*Railway*]	Mar. 20.	Apr. 28.	May 5.					
South Eastern (Branch to Deal, and Extension of the South Eastern, Canterbury, Ramsgate and Margate)	[*Railway*]	Mar. 20.	Apr. 22.	Apr. 30.					
South Eastern (Hungerford Bridge to Chilham with Branches)	[*Railway*]	Mar. 20.							
South Eastern (Lewisham to Tunbridge and Paddock Wood)	[*Railway*]	Mar. 20.							
South Eastern (Maidstone to Rochester)	[*Railway*]	Mar. 20.	Apr. 22.	Apr. 30.					
South Eastern (Tunbridge to Tunbridge Wells)	[*Railway*]	Mar. 20.	Apr. 28.	May 5.					
South Eastern (Widening and Extension of the London and Greenwich)	[*Railway*]	Mar. 20.	Apr. 28.	May 5.					
Southport and Euxton Junction	[*Railway*]	Mar. 4.	Mar. 19.	Apr. 14.					
South Wales	[*Railway*]	Feb. 26.	Mar. 19.	Apr. 11.					
Southwark and Vauxhall	[*Waterworks*]	Feb. 27.	Mar. 12.	Mar. 18.	May 5.	May 6.	May 16.	May 22.	
Sparrows Herne	[*Road*]	Feb. 7.	Feb. 20.	Feb. 25.	Apr. 4.	Apr. 7.	Apr. 11.	Apr. 17.	May 8.
Spoad (Clun), &c.	[*Inclosure*]	Feb. 26.	Apr. 7.	Apr. 23.	June 2.	June 2.			
Staines and Richmond	[*Railway*]	Apr. 2.							
Stalybridge	[*Waterworks*]	Feb. 24.	Mar. 11.	Mar. 19.					
Standard Life Assurance	[*Company*]	Feb. 19.	Mar. 12.	Mar. 31.	May 23.	May 26.	June 2.		
Stokenchurch	[*Road*]	Feb. 26.	Mar. 14.	Apr. 4.	June 2.	June 2.			
Stoke upon Trent	[*Market*]	Feb. 28.	Mar. 13.	Apr. 4.	May 9.	May 16.	May 20.	May 23.	

TITLE OF BILL. (PROGRESS THROUGH)	COMMONS.				LORDS.			ROYAL ASSENT.
	PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1o.	BILL READ 2o.	BILL READ 3o.	BILL READ 1a.	BILL READ 2a.	BILL READ 3a.	
Sunderland, Durham, and Auckland Union . . [*Railway*] . .	Apr. 17.							
Surrey Iron Railway . [*Company Dissolving*] .	Feb. 24.							
Surrey and Sussex . . . [*Roads*] . .	Feb. 19.	Mar. 5.	Mar. 10.	May 2.	May 2.	May 6.	May 16.	May 20.
Taff Vale . . . . [*Railway*] . .	May 19.							
Taunton . . . . [*Gas*] . . .	Feb. 12.	Feb. 26.	Apr. 10.	June 2.	June 2.			
Taw Vale . . . . [*Railway & Dock*] .	Feb. 28.	Mar. 19.	Apr. 14.					
Thames and Medway . . [*Canal*] . .	Feb. 14.							
Thames Navigation . . . [*Debt*] . . .	Feb. 10.	Feb. 25.	Mar. 3.	Apr. 10.	Apr. 11.	Apr. 15.	Apr. 18.	Apr. 24.
Totness . . [*Markets & Waterworks*] (No. 1) .	Feb. 28.	Apr. 4.	Withdrawn.					
Totness . . [*Markets & Waterworks*] (No. 2.) .	Motion.	Apr. 16.	Apr. 28.					
Tottenham and Farringdon Street Extension . . [*Railway*] . .	Apr. 4.	May 2.	May 16.					
Tranmere . . . . [*Docks*] . .	Feb. 28.							
Trent Valley . . . [*Railway*] . .	Feb. 20.	Mar. 6.	Mar. 11.					
Ulster Extension . . . [*Railway*] . .	Feb. 14.	Mar. 5.	Mar. 10.					
Wakefield, Pontefract, and Goole [*Railway*] . .	Feb. 5.	Feb. 26.	Mar. 3.					
Wallasey . . . . [*Improvement*] .	Feb. 14.	Feb. 27.	Mar. 4.	Apr. 21.	Apr. 21.	Apr. 25.	Apr. 29.	May 8.
Waterford and Kilkenny . [*Railway*] . .	Feb. 20.	Mar. 17.	Apr. 4.					
Waterford and Limerick . [*Railway*] . .	Mar. 7.	Apr. 23.	Apr. 30.					
Waterman's Company [*Poor's & Endowment Fund*] .	Feb. 27.	Mar. 12.	Apr. 15.	May 29.	May 30.	June 3.		
Wear Valley . . . . [*Railway*] . .	Feb. 27.	Mar. 19.	Apr. 8.					
Wells and Dereham . . [*Railway*] . .	Mar. 20.							
West Cornwall . . . [*Railway*] . .	Feb. 18.	Mar. 5.	Mar. 10.					
West London . . . [*Railway*] . .	Apr. 21.	May 26.	June 2.					
Westminster . . . [*Improvement*] (No. 1) .	Feb. 28.	Mar. 19.	Withdrawn					
Westminster . . . [*Improvement*] (No. 2) .	Motion.	Apr. 16.	May 5.					
Westminster's (Marquess of) . [*Estate*] . . .	Lords Bill							
West of London and Westminster . . . . [*Cemetery*] . .	Feb. 21.	Mar. 10.	Mar. 18.					
West Yorkshire . . . [*Railway*] . .	Feb. 5.	Feb. 19.	Feb. 24.					

PRIVATE BILLS—*Continued.*

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1°.	BILL READ. 2°.	BILL READ 3°.	BILL READ 1ª.	BILL READ 2ª.	BILL READ 3ª.	
Wexford, Carlow, and Dublin Junction	[*Railway*]	Mar. 3.	Apr. 11.	Apr. 25.					
Whitby and Pickering	[*Railway*]	Feb. 7.	Feb. 27.	Mar. 4.	May 30.	June 2.			
Whitehaven and Furness Junction	[*Railway*]	Apr. 15.	May 9.	May 15.		May 26.			
White's Charity	[*Estate*]	Lords Bill.							
White's (Sir Thomas)	[*Estate*]	Lords Bill.	...	...	...	May 2.	May 16.		
Whittle Dean	[*Waterworks*]	Feb. 28.	Mar. 19.	Apr. 14.	May 26.	...	June 2.		
Wilts, Somerset, and Weymouth	[*Railway*]	Mar. 3.	Apr. 7.	Apr. 21.	May 29.	May 30.			
Winchester College	[*Estate*]	Lords Bill.							
Winwick	[*Rectory*]	Feb. 24.	Mar. 13.	Apr. 1.	May 5.	May 6.	May 19.		
Wolverhampton	[*Waterworks*]	Feb. 28.	Mar. 17.	Apr. 4.					
Yarmouth and Norwich	[*Railway*]	Feb. 28.	Mar. 19.	Apr. 14.					
Yoker	[*Road*] (No. 1)	Feb. 21.	Mar. 17.	Apr. 4.	June 2.	June 2.			
Yoker	[*Road*] (No. 2)	Motion.							
York and North Midland (Bridlington Branch)	[*Railway*]	Feb. 14.	Feb. 28.	Mar. 5.	May 30.	June 2.			
York and North Midland (Doncaster Extension)	[*Railway*]	Feb. 27.	Mar. 12.	Mar. 18.					
York and North Midland (Goole Branch)	[*Railway*]	Feb. 14.	Mar. 5.	Mar. 10.					
York and North Midland (Harrogate Branch	[*Railway*]	Feb. 24.	Mar. 11.	Mar. 18.					
York and Scarborough (Deviation)	[*Railway*]	Feb. 5.	Feb. 19.	Feb. 24.	May 30.	June 2.			

END OF VOL. LXXX.—FOURTH VOLUME OF SESSION 1845.